

The following minutes were transcribed from session tapes by a research division secretary. Due to the fact that this staff member was not present during the taping of these hearings, in many cases, the identification of witnesses and legislators' remarks are not identified.

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON COMMERCE AND LABOR

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 30, 1981

The Senate Committee on Commerce and Labor was called to order by Chairman Thomas R. C. Wilson, at 2:05 p.m., Saturday, May 30, 1981, in Room 213 of the Legislative Building, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator Thomas R. C. Wilson, Chairman  
Senator Richard E. Blakemore, Vice Chairman  
Senator Don W. Ashworth  
Senator Melvin D. Close, Jr.  
Senator William H. Hernstadt  
Senator Clifford E. McCorkle  
Senator William J. Raggio

SENATE BILL 231

The committee discussed amendments to the second reprint of S.B. 231 (Exhibit A) which changes various provisions of law governing physical therapists and their assistants. There was lengthy discussion regarding the supervision of a physical therapist.

Senator Raggio moved for non-concurrence.

Seconded by Senator Blakemore.

The motion carried.

A conference committee composed of Senators Ashworth, Blakemore and McCorkle was established. Senator McCorkle was designated as chairman.

SENATE BILL 533

The committee discussed Assembly amendments to the second reprint of Senate Bill 533 (Exhibit B) which requires use of simplified language in insurance contracts. The committee considered the following amendments:

SENATE BILL 533 (continued)

Section 2, page 1, line 4 by deleting: "policies of insurance and inserting "policies, certificates or contracts of life or health insurance including credit life or health insurance."

Section 2, page 1, line 5 by deleting: "policies" and inserting "policies, certificates or contracts".

Section 2, page 1, line 7 by deleting: "organizations, except:" and inserting "organizations and certificates issued pursuant to a policy of group insurance delivered or issued for delivery in this state except:"

Section 2, page 1 by inserting between lines 20 and 21: "(d) are not intended to restrict or discourage the development of new policies and provisions. (e) Do not require standardization of policy forms or of provisions of policies."

Section 2, page 2 by inserting below line 2: "3. The provisions of sections 2 to 5, inclusive, of this act apply to renewals on or after July 1, 1983, of policies delivered or issued for delivery before that date."

Section 3, pages 2 and 3: Delete lines 48 through 50, page 2, and line 1 on page 3 and insert: "so as to meet the requirements of (1) any federal or state law regulation or any interpretation of a law or regulation by a federal or state agency, (2) any collective bargaining agreements, (3) usage of medical terms and (4) definitions containing the policy." And in the the margin: "that the insurer so identifies this language and".

Senator Close moved for concurrence of the Assembly amendments to S.B. 533.

Senator Hernstadt seconded the motion.

The motion carried.

SENATE BILL 667

The committee discussed Assembly amendments to the second reprint of S.B. 667 (Exhibit C) which authorizes coverage of industrial insurance for volunteers who work under public auspices for private organizations.

Section 2, line 14, page 1: after "inclusive" - insert "and section 2 of this act."

Section 2, line 17, page 1: after "inclusive" - insert "section 2 of Assembly Bill 408 of the 61st session of the Nevada legislature"

Senator Close moved for concurrence of the Assembly amendments to S.B. 667.

Senator Hernstadt seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL 656

The committee reviewed A.B. 656 (Exhibit D) which requires certain employers and other organizations to offer optional dental service plan which does not restrict choice of provider of dental services.

Senator Hernstadt moved to "Amend and Do Pass" by applying this bill to NRS chapter 689.380.

Seconded by Senator Close.

The motion carried.

ASSEMBLY BILL 650

The committee indicated that it had not received public testimony on this bill. Assembly Bill 650 (Exhibit E) requires certain employers to give preference in hiring to unemployed resi-

ASSEMBLY BILL 650 (continued)

dents of Nevada and to prefer Nevada businesses in buying supplies.

Senator Ashworth moved to defer hearing of this bill until next week.

Seconded by Senator McCorkle.

Motion carried unanimously.

ASSEMBLY JOINT RESOLUTION 19

The committee discussed A.J.R. 19 (Exhibit F) which memorializes Congress to remove distinctions relative to eligibility for loans for certain types of housing.

Senator McCorkle moved to approve A.J.R. 19.

Seconded by Senator Close and carried unanimously.

ASSEMBLY BILL 612

Consideration was given to A.B. 612 (Exhibit G) which authorizes board of psychological examiners to license persons who practice hypnosis.

Senator Ashworth moved to defer the hearing of this bill until next week.

Seconded by Senator Hernstadt.

The motion carried unanimously.

ASSEMBLY BILL 363

Discussion was held regarding A.B. 363 (Exhibit H) which removes requirement that secondhand dealer maintain record of sales.

Senator Ashworth moved that the committee defer action on this bill until next Wednesday.

Senator Raggio seconded the motion which carried unanimously.

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ASSEMBLY BILL 581

Assembly Bill 581 (Exhibit I) clarifies provisions relating to the term of credit life and credit health insurance. There was considerable discussion regarding how long the insurance must remain in effect.

There was an unidentified person who spoke in favor of this bill who suggested the amendment which was adopted in the following motion.

Senator Hernstadt moved to "Amend and Do Pass" A.B. 581 by changing the word "use" to "rise" on line 7, page 2.

Senator Blakemore seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL 579

The committee then considered A.B. 579 (Exhibit J) which makes various administrative changes in law governing real estate brokers and salesmen.

Senator McCorkle moved "Do Pass" on A.B. 579.

Seconded by Senator Hernstadt.

The motion carried unanimously.

ASSEMBLY BILL 464

The Chairman called for a motion on A.B. 464 (Exhibit K) which requires Nevada state board of chiropractic examiners to hear all charges filed against chiropractors.

Senator Hernstadt moved "Do Pass" on A.B. 464.

Seconded by Senator Blakemore.

Motion failed with a vote of four to two.

ASSEMBLY BILL 464 (continued)

Senator Raggio moved to hold the bill.

Seconded by Senator Ashworth.

Motion carried with all members voting in favor except for Senator Blakemore who voted nay.

ASSEMBLY BILL 444

The Chairman called for consideration of A.B. 444 (Exhibit L) which regulates practice of naturopathic medicine. There was considerable discussion regarding practice jurisdictions and the definition of naturopathic medicine.

Senator Hernstadt moved "Amend and Do Pass."  
The amendments should make this bill conform to the Medical Practice Act.

Chairman Wilson during the course of the committee discussion made notes regarding several items that required amendment:

Homeopathy and physical therapy are to be deleted.

Delete subsection 1 of section 30.

Delete lines 26 through 30 under section 15.

Senator Ashworth seconded the motion.

Senator Ashworth was directed to review the bill thoroughly with the senate bill drafter of the legislative counsel bureau. Chairman Wilson indicated that he would accompany Senator Ashworth.

ASSEMBLY BILL 140

Prior to adjournment of the meeting, Chairman Wilson asked the members to consider action on Assembly Bill 140 (Exhibit M) which provides for chiropractors' assistants.

Senator McCorkle moved "Do Pass."

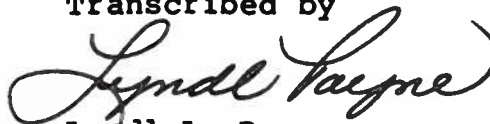
Senator Hernstadt seconded the motion.

Motion carried unanimously.

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There being no further business, the meeting was adjourned.

Transcribed by



Lyndl L. Payne  
Research Secretary  
May 29, 1981

APPROVED:

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Senator Thomas R. C. Wilson, Chairman

DATE: \_\_\_\_\_

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 231

SENATE BILL NO. 231—COMMITTEE ON  
COMMERCE AND LABOR

FEBRUARY 13, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Changes various provisions of law governing physical therapists and their assistants. (BDR 54-297)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to physical therapists; expanding the powers of the state board of physical therapy examiners; providing rules for its proceedings and for subpoenas; providing for the issuance of temporary permits and registration without examination in certain circumstances; adding grounds for disciplinary action by the board; increasing fees; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 640 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

3 SEC. 2. "*Physical therapist's assistant*" means a person who assists in  
4 the practice of physical therapy under the supervision of a registered  
5 physical therapist and who is licensed under the provisions of this chapter.

6 SEC. 2.5. "*Practice of physical therapy*":

7 1. Includes:

8 (a) The performing and interpreting of tests and measurements as an  
9 aid to treatment;

10 (b) The planning of initial and subsequent treatment programs on the  
11 basis of the results of tests; and

12 (c) The administering of treatment through the use of therapeutic exer-  
13 cise and massage, joint mobilization (without chiropractic adjustment),  
14 mechanical devices, and therapeutic agents which employ the properties  
15 of air, water, electricity, sound and radiant energy.

16 2. Does not include:

17 (a) The diagnosis of physical disabilities;

18 (b) The use of roentgenic rays or radium;

19 (c) The use of electricity for cauterization or surgery; or



1 (d) *The occupation of a masseur who massages only the superficial soft*  
2 *tissues of the body.*

3 SEC. 3. 1. *A complaint against any person who has been registered*  
4 *or issued a license or temporary permit pursuant to this chapter may be*  
5 *initiated by the board or may be filed with the board by any member or*  
6 *agent of the board or any aggrieved person.*

7 2. *The complaint must allege one or more of the grounds enumerated*  
8 *in NRS 640.160 and must contain a statement of facts showing that a*  
9 *provision of this chapter or the board's regulations has been violated.*  
10 *The complaint must be sufficiently detailed to enable the respondent to*  
11 *understand the allegations.*

12 3. *The complaint must be in writing and be signed and verified by*  
13 *the person filing it. The original complaint and two copies must be filed*  
14 *with the board.*

15 4. *The board shall review each complaint. If a complaint shows a*  
16 *substantial violation of a provision of this chapter or the board's regula-*  
17 *tions, the board shall proceed with a hearing on the complaint.*

18 SEC. 4. 1. *As soon as practicable after the board determines that a*  
19 *complaint merits a hearing, the board shall set a date for the hearing. The*  
20 *hearing must not be set sooner than 30 days after the date on which the*  
21 *respondent received notice of the complaint.*

22 2. *The board's secretary shall:*

23 (a) *Notify the respondent that a complaint against him has been filed;*

24 (b) *Inform him of the date, time and place set for the hearing; and*

25 (c) *Include a copy of the complaint with the notice.*

26 3. *The notice and complaint may be served on the respondent by*  
27 *delivery to him personally or by mailing to him at his last known address*  
28 *by registered or certified mail.*

29 4. *If the respondent so requests, the hearing must be held within the*  
30 *county where he resides.*

31 SEC. 5. 1. *The board or any member thereof may issue subpoenas for*  
32 *the attendance of witnesses and the production of books and papers.*

33 2. *The district court, in and for the county in which any hearing is*  
34 *held, may compel the attendance of witnesses, the giving of testimony*  
35 *and the production of books and papers as required by any subpoena*  
36 *issued by the board.*

37 3. *If any witness refuses to attend or testify or produce any books or*  
38 *papers required by a subpoena, the board may file a petition ex parte with*  
39 *the district court, setting forth that:*

40 (a) *Due notice has been given of the time and place for the attendance*  
41 *of the witness or the production of the books or papers;*

42 (b) *The witness has been subpoenaed in the manner prescribed by this*  
43 *chapter;*

44 (c) *The witness has failed or refused to attend or produce the books or*  
45 *papers required by the subpoena before the board in the cause or proceed-*  
46 *ing named in the subpoena, or has refused to answer questions pro-*  
47 *pounded to him in the course of the hearing; and*

48 (d) *The board therefore requests an order of the court compelling the*  
49 *witness to attend and testify or produce the books or papers before the*  
50 *board.*

1 4. The court, upon such a petition, shall enter an order directing the  
2 witness to appear before the court at a time and place fixed by the court  
3 in the order, and then and there to show cause why he has not attended  
4 or testified or produced the books or papers before the board. The time  
5 may not be more than 10 days after the date of the order. A certified  
6 copy of the order must be served upon the witness.

7 5. If the court determines that the subpoena was regularly issued by  
8 the board, the court shall thereupon enter an order that the witness  
9 appear before the board at the time and place fixed in the order, and  
10 testify or produce the required books or papers. Failure to obey the  
11 order is a contempt of the court which issued it.

12 SEC. 6. Each witness who appears by order of the board is entitled  
13 to receive for his attendance the same fees and mileage allowed by law  
14 to a witness in a civil case. The amount must be paid by the party who  
15 requested the subpoena. When any witness, who has not been required to  
16 attend at the request of any party, is subpoenaed by the board, his fees  
17 and mileage must be paid from the funds of the board.

18 SEC. 7. 1. The board may, in any hearing before it, cause the depo-  
19 sitions of witnesses to be taken in the manner prescribed for depositions  
20 in civil actions in this state.

21 2. The district court in and for the county in which any hearing is  
22 held by the board shall, upon the application of the board, issue com-  
23 missions to other states for the taking of evidence therein for use in any  
24 proceeding before the board.

25 SEC. 8. The board shall render a decision on any complaint within  
26 60 days after the final hearing thereon.

27 SEC. 9. It is unlawful for any person to practice physical therapy in  
28 this state unless he holds a certificate of registration, a license or a tem-  
29 porary permit issued pursuant to this chapter or is licensed in this state  
30 to practice physical therapy otherwise than by virtue of this chapter.

31 SEC. 10. NRS 640.011 is hereby amended to read as follows:  
32 640.011 As used in this chapter, unless the context otherwise  
33 requires, the terms defined in NRS 640.013 to 640.022, inclusive, and  
34 sections 2 and 2.5 of this act, have the meanings ascribed to them in  
35 [such] those sections.

36 SEC. 11. NRS 640.022 is hereby amended to read as follows:  
37 640.022 "Physical therapy" means the [treatment of any bodily or  
38 mental condition of any person by the use of the physical, chemical and  
39 other properties of heat, light, water, electricity, massage and active and  
40 passive exercise. The use of Roentgen rays and radium for diagnostic  
41 and therapeutic purposes, and the use of electricity for surgical purposes,  
42 including cauterization, are not authorized under the term "physical  
43 therapy" as used in this chapter.] specialty in the field of health which is  
44 concerned with prevention of disability and physical rehabilitation of  
45 persons having congenital or acquired disabilities.

46 SEC. 12. NRS 640.030 is hereby amended to read as follows:  
47 640.030 1. The state board of physical therapy examiners, consist-  
48 ing of five members appointed by the governor, is hereby created.  
49 2. The governor shall appoint:

1 (a) Four members who are registered physical therapists in the State  
2 of Nevada.

3 (b) One member who is a representative of the general public.

4 3. The member who is a representative of the general public shall  
5 not participate in preparing, conducting or grading any examination  
6 required by the board.

7 4. No member of the board may serve more than two consecutive  
8 terms.

9 5. *The governor may remove any member of the board for incom-*  
10 *petency, neglect of duty, gross immorality or malfeasance in office.*

11 6. *A majority of the members of the board constitutes a quorum.*  
12 *Three votes are required to pass any action by the board.*

13 7. *No member of the board may be held liable in a civil action for*  
14 *any act which he has performed in good faith in the execution of his*  
15 *duties under this chapter.*

16 SEC. 13. NRS 640.045 is hereby amended to read as follows:

17 640.045 Each member of the board [shall] *is entitled to receive:*

18 1. A salary of not more than \$40 per day, as fixed by the board,  
19 while engaged in the business of the board.

20 2. Actual expenses for subsistence and lodging, not to exceed [ \$25  
21 per day, ] *the amount provided by law for state officers and employees,*  
22 and actual expenses for transportation, while traveling on business of the  
23 board.

24 SEC. 14. NRS 640.050 is hereby amended to read as follows:

25 640.050 1. The board shall examine and register qualified physical  
26 therapists and license qualified physical [therapy] *therapists' assistants.*

27 2. The board [is authorized to] *may adopt reasonable [rules] reg-*  
28 *ulations to carry this chapter into effect. [and may amend and revoke*  
29 *such rules at its discretion.]*

30 3. The board shall keep a record of its proceedings [under this chap-  
31 ter] and a register of all persons registered or licensed under the provi-  
32 sions of [the] *this chapter. The register [shall] must show:*

33 (a) The name of every living registrant or licensee.

34 (b) His last-known place of business and last-known place of resi-  
35 dence.

36 (c) The date and number of his registration and certificate [or  
37 license] as a [registered] physical therapist or [a licensed physical  
38 therapy] *of his license as a physical therapist's assistant.*

39 4. During [May] *September* of every year in which renewal of reg-  
40 istration or license is required, the board shall compile a list of registered  
41 physical therapists [and licensed physical therapy assistants] authorized  
42 to practice physical therapy [or] *and physical therapists' assistants*  
43 *licensed to assist in the practice of physical therapy in this state. Any*  
44 interested person in the state [shall be entitled to] *may obtain a copy of*  
45 the list upon application to the board and the payment of such amount  
46 as may be fixed by the board, which amount [shall] *must not exceed the*  
47 cost of the list so furnished.

48 5. The board may:

49 (a) Maintain offices in as many localities in the state as it finds neces-  
50 sary to carry out the provisions of this chapter.

1 (b) Employ attorneys, investigators and other professional consultants  
2 and clerical personnel necessary to the discharge of its duties.

3 6. Any member or agent of the board may enter an office, clinic or  
4 hospital where physical therapy is practiced and inspected to determine if  
5 the physical therapists are licensed.

6 SEC. 15. NRS 640.060 is hereby amended to read as follows:

7 640.060 For the purpose of NRS 640.080, the board shall not  
8 approve any school or educational curriculum unless graduation from  
9 the school or completion of the curriculum [shall entitle] entitles the  
10 applicant, insofar as educational requirements are concerned, to become  
11 a member in the American Physical Therapy Association. [or the American  
12 Registry of Physical Therapists.] Each such school shall, in addition,  
13 comply with all of the provisions of this chapter and the [rules] regula-  
14 tions of the board adopted pursuant to this chapter.

15 SEC. 16. NRS 640.080 is hereby amended to read as follows:

16 640.080 To be eligible for registration by the board as a physical  
17 therapist, an applicant must:

18 1. Be of good moral character.

19 2. Have been graduated [by an approved high school.

20 3. Have been graduated either:

21 (a) By a school of physical therapy approved by the board; or

22 (b) By a school of physical education approved by the board, and, in  
23 addition, have completed to the satisfaction of the board an approved  
24 course in physical therapy; or

25 (c) By a school of nursing approved by the board, and, in addition,  
26 have completed to the satisfaction of the board an approved course in  
27 physical therapy.

28 4. (a) [from a school in which he completed a curriculum of physi-  
29 cal therapy approved by the board; and

30 3. Pass to the satisfaction of the board an examination conducted by  
31 it to determine his [fitness] qualifications for practice as a physical thera-  
32 pist [; or

33 (b) Be] , unless he is entitled to registration without examination as  
34 provided in NRS 640.120 or 640.140.

35 SEC. 17. NRS 640.090 is hereby amended to read as follows:

36 640.090 Unless he is entitled to registration under NRS 640.120 [,  
37 640.130] or 640.140, a person who desires to be registered as a physical  
38 therapist [shall:] must:

39 1. Apply to the board, in writing, on a [blank] form furnished by  
40 the board; [before commencing the practice of physical therapy.]

41 2. [Embody] Include in the application evidence, under oath, satis-  
42 factory to the board, [of his possessing] that he possesses the qualifica-  
43 tions [preliminary to examination] required by NRS 640.080 [.] other  
44 than having passed the examination; and

45 3. Pay to the board at the time of filing his application a fee [of  
46 \$50.] set by a regulation of the board in an amount of not more than  
47 \$100.

48 4. Submit his fingerprints to the board with his application.

49 SEC. 18. NRS 640.100 is hereby amended to read as follows:

50 640.100 1. The board shall examine applicants for registration as

1 physical therapists at least twice a year at such places as it may deter-  
2 mine.

3 2. The examination [shall] *must* embrace such subjects as the  
4 board deems necessary to determine the applicant's [fitness and shall]  
5 qualifications, and the examination *must* include a written [examina-  
6 tion.] *portion*.

7 3. *The board may charge a fee for examining or reexamining an*  
8 *applicant, based on the board's cost.*

9 4. *Before any applicant may take the examination a third time, he*  
10 *must meet with the board to discuss his possible need for further train-*  
11 *ing or education and must complete any further training or education*  
12 *determined by the board to be prerequisite.*

13 SEC. 19. NRS 640.110 is hereby amended to read as follows:

14 640.110 1. The board shall register as a physical therapist each  
15 applicant who proves to the satisfaction of the board his [fitness] *quali-*  
16 *fications* for registration.

17 2. The board shall issue to each person registered as a physical  
18 therapist a certificate of registration, which [shall be] *is prima facie*  
19 *evidence of [the] his right [of the person to whom it is issued] to*  
20 *represent himself as a registered physical therapist and to practice phys-*  
21 *ical therapy in the State of Nevada subject to the conditions and limita-*  
22 *tions of this chapter.*

23 3. *Each physical therapist shall display his current certificate of*  
24 *registration in a location which is accessible to the public.*

25 SEC. 20. NRS 640.120 is hereby amended to read as follows:

26 640.120 1. The board may issue, without examination, a permit to  
27 practice physical therapy for a period not to exceed 6 months to any  
28 person who meets the qualifications set forth in NRS 640.080, except  
29 subsection [4] 3 thereof, upon certification that he has been assigned  
30 to the State of Nevada on a temporary basis to assist in a medical  
31 emergency.

32 2. The board may also permit, without examination, temporary reg-  
33 istration not to exceed [6] 8 months to any person meeting the quali-  
34 fications set forth in NRS 640.080, except subsection [4] 3 thereof, upon  
35 payment of a temporary registration fee [of \$10,] *not to exceed \$25,*  
36 *which must be paid before commencing the practice of physical therapy.*  
37 *A temporary registration may not be renewed.*

38 3. *A student of physical therapy is not required to be registered or*  
39 *licensed during his clinical training if his work is done under the direct*  
40 *supervision of a registered physical therapist.*

41 4. *A graduate student of a school approved by the board may be*  
42 *granted a temporary permit to practice physical therapy under the direc-*  
43 *tion of a registered physical therapist during his internship or residency. A*  
44 *temporary permit must not be made effective for more than 1 year. An*  
45 *applicant for a temporary permit must:*

46 (a) *Submit proof that he has graduated from a school in which he*  
47 *completed a curriculum in physical therapy approved by the board; and*

48 (b) *Pay a fee set by regulation of the board in an amount of not more*  
49 *than \$25.*

50 SEC. 21. NRS 640.150 is hereby amended to read as follows:

1 640.150 1. Every registered physical therapist shall, during [Janu-  
2 ary 1957, and during January] July of every year, [thereafter,] apply to  
3 the board for an extension of his registration and pay a fee of not more  
4 than [[\$25.] \$50. Registration that is not so extended [, in the first  
5 instance before April 1, 1957, and thereafter before April 1 every year,  
6 shall automatically lapse.] before September 1 of the year automatically  
7 lapses.

8 2. The board may [, in its discretion,] revive and extend a lapsed  
9 registration on the payment of all past unpaid extension fees not to  
10 exceed [[\$50.] \$100.

11 3. The board may require registered physical therapists to complete  
12 a program of continuing education consisting of not more than 20 hours  
13 as a requirement for the extension of registrations. The board may pre-  
14 scribe the curriculum and approve the courses of study or training for  
15 that program.

16 SEC. 22. NRS 640.160 is hereby amended to read as follows:

17 640.160 1. The board, after due notice and hearing, [may refuse]  
18 and upon any ground enumerated in subsection 2, may take one or more  
19 of the following actions:

20 (a) Refuse to register [any applicant, and may refuse] or issue a  
21 license or temporary permit to any applicant.

22 (b) Refuse to renew the registration, license or temporary permit of  
23 any [registered] person. [, and may suspend]

24 (c) Suspend or revoke the registration, license or temporary permit of  
25 any [registered] person. [:

26 1. Who is]

27 (d) Place any person who has been registered or issued a license or  
28 temporary permit on probation.

29 (e) Impose an administrative fine which does not exceed \$500 on any  
30 person who has been registered or issued a license or temporary permit.

31 (f) Assess the costs of investigation upon any person who is registered  
32 or has been issued a license or temporary permit.

33 2. The board may take action pursuant to subsection 1 if an appli-  
34 cant or person who has been registered or issued a license or temporary  
35 permit:

36 (a) Is habitually drunk or [who] is addicted to the use of a controlled  
37 substance as defined in chapter 453 of NRS.

38 [2. Who has] (b) Has been convicted of violating any state or fed-  
39 eral law relating to controlled substances as defined in chapter 453 of  
40 NRS.

41 [3. Who is,] (c) Is, in the judgment of the board, guilty of immoral  
42 or unprofessional conduct.

43 [4. Who has] (d) Has been convicted of any crime involving moral  
44 turpitude.

45 [5. Who is] (e) Is guilty, in the judgment of the board, of gross  
46 negligence in his practice as a physical therapist.

47 [6. Who has] (f) Has obtained or attempted to obtain registration  
48 by fraud or material misrepresentation.

49 [7. Who has] (g) Has been declared insane by a court of com-  
50 petent jurisdiction and has not thereafter been lawfully declared sane.

1 [8. Who has treated or undertaken to treat ailments of human  
2 beings otherwise than by physical therapy and as authorized in this  
3 chapter, or who has undertaken to practice independently of the pre-  
4 scription, direction or supervision of a person licensed to practice medi-  
5 cine and surgery without limitation, unless such person is licensed in  
6 the State of Nevada to practice such treatment otherwise than by virtue  
7 of this chapter.]

8 (h) *Has entered into any contract or arrangement which provides for*  
9 *the payment of an unearned fee to any person following his referral of a*  
10 *patient.*

11 (i) *Has employed as a physical threapist any unlicensed physical thera-*  
12 *apist or physical therapist whose license has been suspended.*

13 (j) *Has had his license to practice physical therapy suspended or*  
14 *revoked by another jurisdiction.*

15 (k) *Is determined to be professionally incompetent by the board.*

16 (l) *Has violated any provision of this chapter or the board's regula-*  
17 *tions.*

18 SEC. 23. NRS 640.190 is hereby amended to read as follows:

19 640.190 1. [A person registered under this chapter as a physical  
20 therapist shall not treat human ailments by physical therapy or otherwise  
21 except under the prescription and direction of a physician, unless such  
22 person is licensed in the State of Nevada to practice such treatment other-  
23 wise than by virtue of this chapter.] *Physical therapists may treat only*  
24 *patients who are referred to them by a physician, chiropractor, dentist,*  
25 *podiatrist or psychologist in the regular course of his practice, except*  
26 *that a physical therapist may perform an initial examination before such*  
27 *a referral if the person to be examined has been participating in an ath-*  
28 *letic activity at a school when a physician is not present.*

29 2. Nothing in this chapter authorizes a physical therapist, whether  
30 registered or not, to practice medicine, osteopathic medicine, chiropractic  
31 or any other form or method of healing.

32 3. Any person violating the provisions of this section is guilty of a  
33 misdemeanor.

34 SEC. 24. NRS 640.230 is hereby amended to read as follows:

35 640.230 To be eligible for licensing by the board as a [licensed]  
36 physical [therapy] therapist's assistant, an applicant [shall:] *must:*

37 1. Be at least 18 years old.

38 2. Be of good moral character.

39 3. Have been graduated by an approved high school.

40 4. Have completed [a board-approved educational curriculum for  
41 a licensed physical therapy assistant.] *and educational curriculum*  
42 *approved by the board for a physical therapist's assistant.*

43 5. Pass an examination conducted by the board or be entitled to  
44 licensing without examination as provided in NRS 640.270.

45 SEC. 25. NRS 640.240 is hereby amended to read as follows:

46 640.240 1. For the purposes of NRS 640.230, the board shall not  
47 approve any educational curriculum for a [licensed] physical [therapy]  
48 therapist's assistant unless the curriculum includes elementary or inter-  
49 mediate courses in clinical, anatomical, biological and physical sciences  
50 and is [at] :

1 (a) At least a 2-year program requiring a minimum of 60 academic  
2 semester credits at a college accredited by a recognized accrediting  
3 agency [.] ; or

4 (b) A curriculum which is provided by the Armed Forces of the  
5 United States and has been approved by the American Physical Therapy  
6 Association.

7 2. The board may refuse to approve any educational curriculum for  
8 [a licensed physical therapy assistant that fails to] physical therapists'  
9 assistants if the curriculum does not include such courses in theory and  
10 procedures as determined by the board to be necessary for [a licensed  
11 physical therapy assistant.] these assistants.

12 SEC. 26. NRS 640.250 is hereby amended to read as follows:

13 640.250 Unless he is entitled to a license under NRS 640.270, a  
14 person who desires to be licensed as a [licensed physical therapy assist-  
15 ant shall:] physical therapist's assistant must:

16 1. Apply to the board, in writing, on a [blank] form furnished by  
17 the board; [before commencing to act as a licensed physical therapy  
18 assistant.]

19 2. [Embody] Include in the application evidence, under oath, sat-  
20 isfactory to the board, [of his possessing] that he possesses the qualifica-  
21 tions [preliminary to examination] required by NRS 640.230 [.] other  
22 than having passed the examination; and

23 3. Pay to the board at the time of filing his application a fee [to be  
24 determined by the board, but not to exceed \$50.] set by a regulation of  
25 the board in an amount of not more than \$100.

26 4. Submit his fingerprints to the board with his application.

27 SEC. 27. NRS 640.260 is hereby amended to read as follows:

28 640.260 1. The board shall license as a [licensed] physical [ther-  
29 apy] therapist's assistant each applicant who proves to the satisfaction of  
30 the board his [fitness] qualifications for a license.

31 2. The board shall issue to each such person [licensed as a licensed  
32 physical therapy assistant] a license, which [shall be] is prima facie  
33 evidence of [the rights of the person to whom it is issued] his right to  
34 represent himself as a [licensed physical therapy] physical therapist's  
35 assistant and to practice as [a licensed physical therapy] that assistant.

36 3. Each physical therapist's assistant shall display his current license  
37 in a location which is accessible to the public.

38 SEC. 28. NRS 640.270 is hereby amended to read as follows:

39 640.270 The board may [, in its discretion,] license as a [licensed  
40 physical therapy] physical therapist's assistant, without examination, on  
41 the payment of the required fee, an applicant [for licensing] who is [a]  
42 licensed [physical therapy assistant licensed] as a physical therapist's  
43 assistant under the laws of another state or territory [which laws] whose  
44 requirements at the date of his licensure were substantially equal to the  
45 requirements in force in this state.

46 SEC. 29. NRS 640.280 is hereby amended to read as follows:

47 640.280 1. Every [licensed physical therapy assistant shall, during  
48 January 1972 and during January of every year thereafter, apply] phys-  
49 ical therapist's assistant must apply during July of each year to the  
50 board for an extension of his license and pay a fee of not more than



1 ~~[\$25.] \$50.~~ A license that is not so extended ~~[in the first instance~~  
2 ~~before April 1, 1972, and thereafter before April 1 every year, shall~~  
3 ~~automatically lapse.] before September 1 of the year automatically~~  
4 ~~lapses.~~

5 2. The board may ~~[, in its discretion,]~~ revive and extend a lapsed  
6 license on the payment of all past unpaid extension fees not to exceed  
7 ~~[\$50.] \$100.~~

8 SEC. 30. NRS 640.290 is hereby amended to read as follows:

9 640.290 ~~[Any]~~ A person licensed ~~[under NRS 640.220 to 640.-~~  
10 ~~300, inclusive, as a licensed physical therapy] as a physical therapist's~~  
11 ~~assistant [shall] may assist in the practice of physical therapy only~~  
12 ~~under the [direct] supervision of a registered physical therapist, [in the~~  
13 ~~State of Nevada] subject to the conditions and limitations of NRS [640.-~~  
14 ~~220] 640.230 to 640.300, inclusive.~~

15 SEC. 31. NRS 640.300 is hereby amended to read as follows:

16 640.300 ~~[A]~~ Any person ~~[who]~~ :

17 1. *Who* is not licensed under NRS ~~[640.220] 640.230 to 640.300,~~  
18 ~~inclusive, as a [licensed] physical [therapy] therapist's assistant [, or~~  
19 ~~whose] ;~~

20 2. *Whose* license has been suspended or revoked ~~[, or whose] ; or~~

21 3. *Whose* license has lapsed and has not been revived,  
22 and *who* uses in connection with his name the words or letters  
23 ~~["L.P.T.A.," "Licensed Physical Therapy Assistant,"] "A.P.T." or~~  
24 ~~"Physical Therapist's Assistant," or any other letters, words or insignia~~  
25 ~~indicating or implying that he is a [licensed] physical [therapy]~~  
26 ~~therapist's assistant, or who in any other way, orally, or in writing, or in~~  
27 ~~print, by sign, directly, or by implication, represents himself as a~~  
28 ~~[licensed physical therapy] physical therapist's assistant, is guilty of a~~  
29 ~~misdemeanor.~~

30 SEC. 32. NRS 640.010, 640.015, 640.130 and 640.220 are hereby  
31 repealed.

32 SEC. 33. The provisions of subsection 2 of section 16 of this act are  
33 not intended to apply to a person who was registered initially by the board  
34 before July 1, 1981, and complied with the educational requirements in  
35 effect at the time of that registration.

SENATE BILL NO. 533—SENATOR WAGNER

APRIL 13, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Requires use of simplified language in insurance contracts.  
(BDR 57-1175)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to insurance contracts; requiring the use of simplified language and creating a standard for evaluating its use in policies; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 687B of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.  
3 SEC. 2. 1. *The provisions of sections 2 to 5, inclusive, of this act:*  
4 (a) *Apply to all policies, certificates or contracts of life or health insur-*  
5 *ance, including credit life or health insurance, delivered or issued for*  
6 *delivery in this state, including policies, certificates or contracts issued by*  
7 *fraternal benefit societies and hospital, medical or dental service corpora-*  
8 *tions, health maintenance organizations and other similar organizations,*  
9 *and certificates issued pursuant to a policy of group insurance delivered*  
10 *or issued for delivery in this state, except:*  
11 (1) *Any policy which is a security subject to federal jurisdiction;*  
12 (2) *Any policy covering the lives of a group of 1,000 or more per-*  
13 *sons as of its date of issuance, other than a group policy for credit life*  
14 *insurance or credit health insurance and any certificate issued pursuant to*  
15 *any group policy;*  
16 (3) *Any group annuity which serves to finance pension, profit-*  
17 *sharing or deferred compensation plans;*  
18 (4) *Any form used in connection with, as a conversion from, as an*  
19 *addition to or in exchange for a policy delivered or issued for delivery on*  
20 *a form approved or permitted to be issued before July 1, 1983.*  
21 (b) *Are not intended to increase any risk assumed by an insurer.*  
22 (c) *Do not supersede the provisions of this Title or other law applica-*  
23 *ble to the delivery or issuance of policies of insurance.*

1 (d) Are not intended to restrict or discourage the development of new  
2 policies and provisions.

3 (e) Do not require standardization of policy forms or of provisions of  
4 policies.

5 2. Any policy written in a language other than English shall be  
6 deemed to comply with section 3 of this act if the insurer certifies that it  
7 is translated from a policy written in English which complies with that  
8 section.

9 3. The provisions of sections 2 to 5, inclusive, of this act apply to  
10 renewals on or after July 1, 1983, of policies delivered or issued for  
11 delivery before that date.

12 SEC. 3. 1. Except as provided by section 2 of this act, a policy must  
13 not be delivered or issued for delivery in this state on or after July 1,  
14 1983, unless:

15 (a) The text of the policy achieves a score of at least 40 on the Flesch  
16 test of reading ease or an equivalent score on any comparable test which  
17 is approved by the commissioner;

18 (b) It is printed, except for pages which contain specifications, sched-  
19 ules or tables, in not less than 10-point type, one point leaded;

20 (c) The style, arrangement and overall appearance of the policy give no  
21 undue prominence to any portion of the text of or endorsements or riders  
22 to the policy; and

23 (d) It contains a table of contents or an index of the principal sections  
24 of the policy if it contains more than 3,000 words or has more than three  
25 pages.

26 2. The score for the Flesch test of reading ease must be calculated in  
27 the following manner:

28 (a) If a form contains 10,000 words or less of text, the entire text must  
29 be used as a basis for calculating the score. If it contains more than  
30 10,000 words, two samples, which are separated from each other by at  
31 least 20 printed lines, of 200 words per page must be used as the basis  
32 for calculating the score.

33 (b) The number of words and sentences used in the basis for the calcu-  
34 lation must be counted and the total number of words divided by the total  
35 number of sentences. This figure must be multiplied by 1.015.

36 (c) The number of syllables must be counted and the total divided by  
37 the total number of words. This figure must be multiplied by 84.6.

38 (d) The results of the calculations made pursuant to paragraphs (b) and  
39 (c) must be added together and the total must be subtracted from 206.-  
40 835.

41 (e) The result of the calculation made pursuant to paragraph (d) is the  
42 score for the policy.

43 3. For the purposes of performing the calculations required by sub-  
44 section 2:

45 (a) A contraction, hyphenated word or numbers and letters when sepa-  
46 rated by spaces must be counted as one word;

47 (b) A sequence of words which ends with a period, semicolon or colon,  
48 except for headings and captions, must be counted as a sentence;

1 (c) Where a dictionary shows two or more equally acceptable pronunci-  
2 ations of a word, the pronunciation containing fewer syllables may be  
3 used.

4 4. As used in this section, "text" includes all printed matter except:

5 (a) The name and address of the insurer, the name, number or title of  
6 the policy, the table of contents or index, captions and subcaptions and  
7 pages which contain specifications, schedules and tables; and

8 (b) Any language of the policy which is drafted in a particular manner  
9 so as to meet the requirements of:

10 (1) Any federal or state law or regulation or any interpretation of a  
11 law or regulation by a federal or state agency;

12 (2) Any collective bargaining agreement;

13 (3) Usage of medical terms; and

14 (4) Definitions contained in the policy,

15 if the insurer so identifies this language and certifies in writing that it is  
16 excepted by this paragraph.

17 5. An insurer may score riders, endorsements, applications and other  
18 forms as separate forms or as part of the policy with which they are used.

19 SEC. 4. 1. An insurer shall file a copy of the policy with the com-  
20 missioner accompanied by a certificate signed by an officer of the insurer  
21 stating that the policy meets the score required for reading ease or stating  
22 that the score is lower than the minimum required and requesting that it  
23 be approved in accordance with subsection 2. Upon the request of the  
24 commissioner, the insurer shall furnish additional information to verify  
25 the accuracy of the certification.

26 2. The commissioner may approve a policy which has a score lower  
27 than required whenever he finds that a lower score:

28 (a) Provides a more accurate reflection of the readability of a policy;

29 (b) Is necessitated by the nature of a particular type or class of policy;  
30 or

31 (c) Is caused by language in the policy which is drafted in a particular  
32 manner so as to meet the requirements of any state law, regulation or  
33 interpretation of that law or regulation by a state agency.

34 SEC. 5. A policy which complies with subsection 1 of section 3 of this  
35 act must be approved by the commissioner, notwithstanding any other  
36 provision of law which specifies the content of a policy, if the policy pro-  
37 vides the policyholder and claimant with protection at least equal to that  
38 to which they are entitled under those other provisions.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 667

SENATE BILL NO. 667—COMMITTEE ON  
COMMERCE AND LABOR

MAY 11, 1981

Referred to Committee on Commerce and Labor

**SUMMARY**—Authorizes coverage of industrial insurance for volunteers who work under public auspices for private organizations. (BDR 53-1688)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Yes.

**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to industrial insurance; authorizing coverage for persons who perform volunteer work for private organizations as a part of public programs; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 616 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 *Persons other than students who, under a written agreement between a*  
4 *public agency and a private organization, perform volunteer work for a*  
5 *private organization as part of a public program and who are not specifi-*  
6 *cally covered by any other provisions of this chapter, while engaging in*  
7 *such volunteer work, may be deemed by the commission, for purposes of*  
8 *this chapter, as employees of the public agency at a wage of \$100 per*  
9 *month and are entitled to the benefits of this chapter when the public*  
10 *agency complies with the provisions of this chapter and the regulations*  
11 *adopted under it.*

12 SEC. 2. NRS 616.015 is hereby amended to read as follows:

13 616.015 [Unless a different meaning is clearly indicated by the con-  
14 text, the definitions set forth in NRS 616.020 to 616.120, inclusive, and  
15 section 2 of this act govern the construction and meaning of the terms  
16 and phrases used in this chapter.] *As used in this chapter, unless the*  
17 *context otherwise requires, the words and terms defined in NRS 616.020*  
18 *to 616.120, inclusive, section 2 of Assembly Bill No. 408 of the 61st*  
19 *session of the Nevada legislature and section 1 of this act have the mean-*  
20 *ings ascribed to them in those sections.*

21 SEC. 3. Section 2 of this act shall become effective at 12:01 a.m. on  
22 July 1, 1981.

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(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT

A. B. 656

ASSEMBLY BILL NO. 656—COMMITTEE ON COMMERCE

MAY 12, 1981

Referred to Committee on Commerce

SUMMARY—Requires certain employers and other organizations to offer optional dental service plan which does not restrict choice of provider of dental services. (BDR 57-1855)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to group health insurance; requiring certain employers and other organizations to offer an optional dental service plan which does not restrict the choice of a provider of dental services; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 689B of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *If an employer or other organization having not less than five*  
4 *employees or members during the preceding calendar year provides its*  
5 *employees or members with a plan of benefits involving dental services*  
6 *which limits the choice of a provider of dental services under the plan to*  
7 *those in a preselected group, the employer or other organization must*  
8 *offer its employees or members the option of selecting a plan of benefits*  
9 *which does not restrict the choice of a provider of dental services.*  
10 2. *The selection of the option described in subsection 1, does not*  
11 *entitle the employee or member to any increase in contributions by the*  
12 *employer or other organization toward the premium or cost of the*  
13 *optional plan over that contributed under the restricted plan.*

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 650

ASSEMBLY BILL NO. 650—COMMITTEE ON  
LABOR AND MANAGEMENT

MAY 12, 1981

Referred to Committee on Labor and Management

**SUMMARY**—Requires certain employers to give preference in hiring to unemployed residents of Nevada and to prefer Nevada businesses in buying supplies. (BDR 53-1971)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to preferences for Nevada residents; requiring certain employers who use state land or water to prefer unemployed residents in hiring and to prefer Nevada businesses in buying supplies; providing contractual and other penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 613 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *Any person who employs more than 100 persons and, through*  
4 *an agreement with this state, leases, buys or otherwise uses land or water*  
5 *owned by the state, shall, when hiring a person for employment on that*  
6 *land or for an employment involving use of that water, prefer an unem-*  
7 *ployed resident of this state, if he is available and qualified for the job,*  
8 *to any other applicant for the job.*  
9 2. *When any complaint is filed with the labor commissioner alleging*  
10 *noncompliance with subsection 1, he may, after holding a public hearing*  
11 *on the complaint, make findings on the circumstances of the hiring. If*  
12 *he determines that the person complained about has willfully failed to*  
13 *comply with subsection 1, he shall deliver a copy of his determination to:*  
14 (a) *The administrator of the division of state lands in the state depart-*  
15 *ment of conservation and natural resources, if the willful noncompliance*  
16 *relates to the use of state land; or*  
17 (b) *The state engineer, if the willful noncompliance relates to the use*  
18 *of public water.*  
19 3. *The labor commissioner may adopt such regulations as he deems*  
20 *necessary to carry out the provisions of this section.*

1     SEC. 2. Chapter 322 of NRS is hereby amended by adding thereto  
2 a new section which shall read as follows:

3     1. Any person who employs more than 100 persons and leases or  
4 contracts to buy or otherwise use land owned by the state shall, when  
5 procuring any supplies needed in connection with any activity on that  
6 land, patronize Nevada businesses if those businesses are able to sell  
7 supplies of suitable quality at prices which are competitive with those  
8 of foreign businesses.

9     2. Any contract for the lease or other use of land which is owned  
10 by the state between a person who employs more than 100 persons and  
11 the state must contain provisions in which the person:

12     (a) Agrees to prefer an unemployed resident of this state, if he is  
13 available and qualified for the job, to any other applicant when hiring  
14 a person for employment on that land or for a purpose directly related  
15 thereto;

16     (b) Agrees to procure any supplies he needs in connection with any  
17 activity on the state land from Nevada businesses if those businesses are  
18 able to sell supplies of suitable quality at prices which are competitive  
19 with foreign businesses; and

20     (c) Agrees that if, after an appropriate hearing, he is found to have  
21 willfully failed to comply with the provisions of the contract included  
22 pursuant to paragraphs (a) and (b), the contract may be amended as  
23 provided in subsection 4.

24     3. When any complaint is filed with the administrator of the divi-  
25 sion of state lands in the state department of conservation and natural  
26 resources that a person has willfully failed to comply with subsection 1  
27 he may, after holding a public hearing on the complaint, make findings  
28 on the circumstances of the purchasing.

29     4. If the administrator determines that the person has willfully  
30 failed to comply with subsection 1 or if he receives such a determination  
31 from the labor commissioner pursuant to section 1 of this act, the  
32 administrator may, if so authorized in the contract:

33     (a) Increase the rent or other charges to be received by the state by  
34 a factor of no more than 10, but the total increase for the term of the  
35 lease or contract must not exceed \$100,000;

36     (b) Require that all or any portion of the activity on the state land be  
37 terminated;

38     (c) Stop payment on any or all existing contracts between the person  
39 and the state; or

40     (d) Remove, for an appropriate period, the eligibility of the person to  
41 contract with the state or any of its political subdivisions for any pur-  
42 pose.

43     5. The administrator of the division of state lands may adopt such  
44 regulations as he deems necessary to carry out the provisions of this  
45 section.



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ASSEMBLY JOINT RESOLUTION NO. 19—  
COMMITTEE ON COMMERCE

FEBRUARY 12, 1981

Referred to Committee on Commerce

SUMMARY—Memorializes Congress to remove distinctions relative to eligibility for loans for certain types of housing. (BDR 682)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Memorializing Congress to remove the limitations of the United States Housing Act of 1937 which make certain types of housing ineligible for financing at low interest.

- 1 WHEREAS, The United States Housing Act of 1937, as amended (42  
2 U.S.C. §§ 1437 et seq.), provides for the financing of housing for certain  
3 families at low interest; and  
4 WHEREAS, The Act creates several categories of housing, including  
5 conventional construction, prefabricated housing and mobile homes; and  
6 WHEREAS, Mobile homes are treated in the same way as prefabricated  
7 houses for certain purposes, but they are not treated in the same way for  
8 the purpose of determining eligibility for loans at low interest; and  
9 WHEREAS, The distinction between a prefabricated house which is  
10 delivered to its site on its own chassis and a prefabricated house which is  
11 delivered to the site on a trailer is an artificial and unnecessary distinction  
12 which hinders the efforts of state agencies, including the housing division  
13 of the department of commerce of the State of Nevada, to provide safe,  
14 sanitary and decent housing for families with low incomes; now, there-  
15 fore, be it  
16 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*  
17 That the legislature calls upon the Congress of the United States to elim-  
18 inate the artificial distinction among types of housing which denies fam-  
19 ilies with low incomes decent, safe and sanitary housing by making  
20 mobile homes ineligible for loans under the United States Housing Act of  
21 1937, as amended; and be it further  
22 *Resolved,* That copies of this resolution be transmitted forthwith to the  
23 Vice President of the United States as President of the Senate, to the  
24 Speaker of the United States House of Representatives, and to each  
25 member of the delegation of the State of Nevada to the Congress of the  
26 United States; and be it further

- 1 **Resolved, That this resolution shall become effective upon passage and**
- 2 **approval.**

20

RESOLUTION NO. 12  
COMMITTEE ON COMMERCE

FEBRUARY 12, 1941

Resolved, That the Committee on Commerce

do hereby report the following resolution to the Senate and the House of Representatives with the recommendation that it be passed with amendments:

Resolved, That the Secretary of Commerce be and he is authorized to make such arrangements as may be necessary for the holding of a conference on the subject of the proposed amendments to the Tariff Act of 1930, to be held at the Department of Commerce, Washington, D. C., on the 15th day of February, 1941.

Approved: \_\_\_\_\_

Secretary of Commerce

Approved: \_\_\_\_\_

Chairman of the Committee

Approved: \_\_\_\_\_

Secretary of the Committee

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 612

ASSEMBLY BILL NO. 612—ASSEMBLYMEN  
PRENGAMAN AND SADER

MAY 5, 1981

Referred to Committee on Commerce

SUMMARY—Authorizes board of psychological examiners to license persons who practice hypnosis. (BDR 54-1635)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to professions, occupations and businesses; regulating the practice of hypnosis; creating the board of examiners for hypnosis and providing its organization, powers and duties; providing for licensing and disciplinary actions; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Title 54 of NRS is hereby amended by adding thereto a  
2 new chapter to consist of the provisions set forth as sections 2 to 25,  
3 inclusive, of this act.  
4 SEC. 2. As used in this chapter, unless the context otherwise requires:  
5 1. "Board" means the board of examiners for hypnosis.  
6 2. "Practice of hypnosis" includes, without limitation, the use of  
7 hypnosis for the purposes of medicine, dentistry, psychiatry, psychology  
8 and law enforcement.  
9 SEC. 3. 1. Except as provided in subsection 2, a person may not  
10 practice hypnosis in this state unless he is licensed under the provisions of  
11 this chapter.  
12 2. The provisions of this chapter do not apply to a practitioner of  
13 the healing arts who use hypnosis in the normal course of his practice.  
14 SEC. 4. 1. The board of examiners for hypnosis, consisting of nine  
15 members appointed by the governor, is hereby created.  
16 2. The governor shall appoint:  
17 (a) Four members who have been engaged in the practice of hypnosis  
18 for 2 years or more;  
19 (b) One member who is a physician licensed under the provisions of  
20 chapter 630 or 633 of NRS and who practices hypnosis regularly;

1 (c) One member who is a dentist licensed under the provisions of  
2 chapter 631 of NRS and who practices hypnosis regularly;

3 (d) One member who is a psychologist certified under the provisions  
4 of chapter 641 of NRS and who practices hypnosis regularly; and

5 (e) Two members who are representatives of the general public.

6 3. The members of the board must include representatives of all  
7 areas of the state.

8 4. Each member of the board who is appointed pursuant to para-  
9 graph (a) of subsection 2 must hold a current license issued pursuant to  
10 this chapter.

11 5. The members who are appointed pursuant to paragraph (e) of  
12 subsection 2 may not participate in preparing, conducting or grading any  
13 examination required by the board.

14 SEC. 5. 1. The board shall elect from its members a president, a vice  
15 president and a secretary-treasurer. The officers of the board hold their  
16 respective offices at its pleasure.

17 2. The board shall receive through its secretary-treasurer applications  
18 for the licenses to be issued pursuant to this chapter.

19 3. The secretary-treasurer is entitled to receive a salary. The board  
20 shall determine the amount of the salary.

21 SEC. 6. 1. The secretary-treasurer shall make and keep on behalf of  
22 the board:

23 (a) A record of all its meetings and proceedings.

24 (b) A record of all violations and prosecutions under the provisions of  
25 this chapter.

26 (c) A record of all examinations of applicants for licenses.

27 (d) A register of all licenses.

28 (e) A register of all licensees.

29 (f) An inventory of the property of the board and of the state in the  
30 possession of the board.

31 2. These records must be kept in the office of the board and are sub-  
32 ject to public inspection during normal working hours upon reasonable  
33 notice.

34 3. The board may keep the personnel records of applicants confiden-  
35 tial.

36 SEC. 7. 1. The board shall meet at least annually and may meet at  
37 other times on the call of the president or a majority of its members.

38 2. A majority of the board constitutes a quorum to transact all busi-  
39 ness.

40 SEC. 8. Members of the board are not entitled to receive compensa-  
41 tion for service as members, but are entitled to receive the subsistence  
42 allowance and travel expenses provided by law.

43 SEC. 9. The board shall operate on the basis of a fiscal year com-  
44 mencing on July 1, ending on June 30.

45 SEC. 10. The board may, from time to time, adopt regulations neces-  
46 sary to enable it to carry out the provisions of this chapter.

47 SEC. 11. 1. The board shall issue a license to engage in the practice  
48 of hypnosis to each applicant who:

49 (a) Is at least 21 years of age;

1 (b) Is a citizen of the United States or is lawfully entitled to remain  
2 and work in the United States;

3 (c) Is of good moral character;

4 (d) Meets the requirements for education, training and experience  
5 established by the board;

6 (e) Applies for the license in the manner provided by the board;

7 (f) Passes any examination required by the board; and

8 (g) Pays the fees provided for in this chapter.

9 2. The board may issue a license without examination to a person  
10 who holds a current license to practice hypnosis in a state whose licensing  
11 requirements at the time the license was issued are deemed by the board  
12 to be practically equivalent to those provided by this chapter.

13 SEC. 12. The board shall waive examination and issue a license to  
14 any applicant who:

15 1. Applies for the license in writing to the board not later than  
16 December 31, 1981;

17 2. Is a resident of this state and has been principally employed in the  
18 practice of hypnosis in this state for at least 1 year before July 1, 1981;  
19 and

20 3. Pays to the board the required application fee.

21 SEC. 13. 1. Examinations for licensing must be given at least once a  
22 year at the time and place fixed by the board.

23 2. The examination must be fair and impartial, practical in charac-  
24 ter, and the questions must be designed to discover the applicant's fit-  
25 ness.

26 3. The board shall determine what constitutes a passing grade, except  
27 that in making that determination, the board shall act fairly and impar-  
28 tially. If the board elects to use a standard examination which is admin-  
29 istered nationally, the board may not establish a minimum passing grade  
30 which is higher than the national standard established for the examina-  
31 tion.

32 SEC. 14. 1. The board shall issue a temporary license to practice  
33 hypnosis upon application and the payment of the required fee, to any  
34 person who is so licensed in another state and who meets all the qualifi-  
35 cations for licensing in this state other than passing the examination.

36 2. A temporary license issued pursuant to this section is valid until  
37 the board publishes the results of the examination next administered  
38 after the license is issued.

39 SEC. 15. 1. Each license issued pursuant to this chapter, except a  
40 temporary license, expires on December 31 of the 2nd year after its issu-  
41 ance.

42 2. Each holder of a license to practice hypnosis may renew his  
43 license upon payment of the renewal license fee before the expiration of  
44 his license.

45 3. If a licensee fails to pay the renewal license fee before the expira-  
46 tion of his license, the license may be renewed only upon the payment of  
47 the reinstatement fee in addition to the renewal license fee. A license  
48 may be renewed under this subsection only if all fees are paid within 3  
49 years after the license has expired.

1     **SEC. 16.** 1. The board shall charge and collect only the following  
2 fees whose amounts must be determined by the board, but may not  
3 exceed:

|    |  |      |
|----|--|------|
| 4  | Application fee.....   | \$25 |
| 5  | Examination fee.....   | 85   |
| 6  | License fee.....   | 15   |
| 7  | Renewal license fee.....                                     | 100  |
| 8  | Reinstatement fee.....                                       | 100  |
| 9  | License fee for license issued pursuant to the provisions of |      |
| 10 | subsection 2 of section 11 of this act.....                  | 50   |

11     2. All fees are payable in advance and may not be refunded.

12     **SEC. 17.** All fees collected under the provisions of this chapter must  
13 be paid to the secretary-treasurer of the board to be used for the purpose  
14 of defraying the necessary expenses of the board. The secretary-treasurer  
15 shall deposit the fees in qualified banks or savings and loan associations  
16 in this state.

17     **SEC. 18.** The grounds for initiating disciplinary action under this  
18 chapter are:

19     1. Conviction of a felony, or of any offense involving moral turpi-  
20 tude.

21     2. Habitual drunkenness or addiction to the use of any controlled  
22 substance as defined in chapter 453 of NRS or dangerous drug as defined  
23 in chapter 454 of NRS.

24     3. Impersonating a licensed hypnotist or allowing another person to  
25 use his license.

26     4. Using fraud or deception in applying for a license.

27     5. Practicing hypnosis in a dishonest, fraudulent or negligent manner.

28     **SEC. 19.** 1. A complaint may be made against any applicant for a  
29 license or any licensee charging one or more of the grounds for discipli-  
30 nary action with such particularity as to enable the defendant to prepare a  
31 defense.

32     2. The complaint must be in writing and be signed and verified by the  
33 person making it.

34     **SEC. 20.** Not later than 15 days after the filing of a complaint, the  
35 board shall fix a date for the hearing, which date must not be less than  
36 20 days nor more than 45 days after the date the complaint is filed. The  
37 secretary-treasurer of the board shall immediately mail to the defendant,  
38 by certified mail, return receipt requested, a copy of the complaint and  
39 a notice showing the time, date and place of the hearing.

40     **SEC. 21.** If, after the hearing, the board determines that the appli-  
41 cant or licensee has committed any act which constitutes grounds for  
42 disciplinary action, the board may in the case of an applicant refuse to  
43 issue a license, and in all other cases:

44     1. Place the licensee on probation for a period to be determined by  
45 the board;

46     2. Suspend his license for a definite time, not to exceed 1 year;

47     3. Revoke his license; or

48     4. Refuse to renew his license.

1 SEC. 22. One year from the date of the refusal to renew or revoca-  
2 tion of a license, application may be made to the board for reinstata-  
3 ment. The board may accept or reject the application for reinstatement  
4 and may require an examination for reinstatement.

5 SEC. 23. The adjudication of insanity or mental illness or the volun-  
6 tary commitment or admission to a hospital for mental illness of any  
7 licensee operates as a suspension of the right of that licensee to practice  
8 hypnosis, and the suspension must continue until the license is reinstated  
9 by action of the board. The board shall not restore the license until it  
10 receives competent evidence of the licensee's fitness to resume the practice  
11 of hypnosis.

12 SEC. 24. 1. Nothing in this chapter authorizes the administration or  
13 prescription of drugs or authorizes any person to engage in any manner  
14 in the practice of medicine or optometry as defined in the laws of this  
15 state. A licensee shall make adequate provision for the treatment of medi-  
16 cal problems through appropriate medical consultation or referral or  
17 both.

18 2. If the board of medical examiners believes a person has violated  
19 the provisions of subsection 1, the board of medical examiners may con-  
20 duct an investigation to determine the facts surrounding the alleged viola-  
21 tion. To assist the board of medical examiners in this investigation, the  
22 board of examiners for hypnosis shall make available to the board of  
23 medical examiners any information in its possession bearing upon the  
24 alleged violation. Upon a finding that a violation has in fact occurred, the  
25 board of medical examiners may either:

26 (a) Recommend appropriate disciplinary action to the board of  
27 examiners for hypnosis; or

28 (b) Initiate an appropriate action in a court of law.

29 3. The board of medical examiners may review the application and  
30 any supporting documentation of the qualifications of a licensee which  
31 have been submitted to the board of examiners for hypnosis or any other  
32 evidence bearing upon the qualifications of a licensee and may, on the  
33 basis of its review, recommend to the board the suspension or revocation  
34 of the license of any licensee deemed to be unqualified by the board of  
35 medical examiners. Upon such recommendation, the board of examiners  
36 for hypnosis must review the credentials of the licensee to determine  
37 whether the license should be suspended or revoked.

38 SEC. 25. Any person who violates any of the provisions of this chap-  
39 ter or, having had his license suspended or revoked, continues to repre-  
40 sent himself as a hypnotist or engages in the practice of hypnosis, is  
41 guilty of a misdemeanor.

42 SEC. 26. The governor shall appoint the members of the board of  
43 examiners for hypnosis without regard to the provisions of subsection 4  
44 of section 4 of this act to terms as follows:

45 1. One person each, qualified under paragraphs (a), (b) and (e)  
46 of subsection 2 of section 4 of this act to terms ending June 30, 1982.

47 2. One person each, qualified under paragraphs (a), (c) and (e) of  
48 subsection 2 of section 4 of this act to terms ending June 30, 1983.

1 3. Two persons qualified under paragraph (a) and one person quali-  
2 fied under paragraph (d) of subsection 2 of section 4 of this act to terms  
3 ending June 30, 1984.



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ASSEMBLY BILL NO. 363—COMMITTEE ON COMMERCE

MARCH 17, 1981

Referred to Committee on Commerce

SUMMARY—Removes requirement that secondhand dealer maintain record of sales. (BDR 54-1283)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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AN ACT relating to secondhand dealers; removing the requirement that they maintain records of their sales; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 647.110 is hereby amended to read as follows:  
2 647.110 1. Every secondhand dealer doing business in any incor-  
3 porated city or unincorporated town in this state shall maintain in  
4 his place of business a book or other permanent record in which [shall]  
5 *must* be legibly written in the English language, at the time of each  
6 purchase, [or sale,] a record thereof containing:  
7 (a) The date of the transaction.  
8 (b) The name of the person or employee conducting the transac-  
9 tion.  
10 (c) The name, age, driver's license number, vehicle license number,  
11 street and house number, and a general description of the dress, com-  
12 plexion, color of hair, and facial appearance of the person with whom  
13 the transaction is had.  
14 (d) The name, street and house number of the owner of the property  
15 bought.  
16 (e) The street and house number of the place from which the prop-  
17 erty bought was last removed.  
18 (f) The license number of the vehicle delivering each purchase.  
19 (g) A description of the property bought. In the case of watches,  
20 the description [shall] *must* contain the name of the maker and the  
21 number of both the works and the case. In the case of jewelry, all letters  
22 and marks inscribed thereon [shall] *must* be included in the descrip-  
23 tion. When the article bought is furniture, or the contents of any house

1 or room actually inspected on the premises, a general record of the  
2 transaction [shall be] *is* sufficient.

3 (h) The price paid.

4 (i) The names, streets and house numbers of all persons witnessing  
5 the transaction.

6 2. The record and all goods received [shall] *must* at all times dur-  
7 ing the ordinary hours of business be open to the inspection of the dis-  
8 trict attorney or of any peace officer.

9 SEC. 2. NRS 647.120 is hereby amended to read as follows:

10 647.120 1. Every secondhand dealer doing business in any unin-  
11 corporated town shall, before 12 m. of each day, furnish in duplicate to  
12 the sheriff of the county a full, true and correct transcript of the record  
13 of all [transactions had] *purchases made* on the preceding day.

14 2. Every secondhand dealer doing business in any incorporated city  
15 shall, before 12 m. of each day, furnish in duplicate to the chief of  
16 police thereof, a full, true and correct transcript of the record of all  
17 [transactions had] *purchases made* on the preceding day.

18 3. Every secondhand dealer doing business in an unincorporated  
19 town or in an incorporated city having good cause to believe that any  
20 property in his possession has been previously lost or stolen shall forth-  
21 with report [such] *that* fact to the sheriff or chief of police, respec-  
22 tively, together with the name of the owner if known, and the date  
23 when, and the name of the person from whom, the [same] *property was*  
24 received by him.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 581

ASSEMBLY BILL NO. 581—COMMITTEE ON COMMERCE

APRIL 28, 1981

Referred to Committee on Commerce

SUMMARY—Clarifies provisions relating to the term of credit life and credit health insurance. (BDR 57-1588)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to credit life and health insurance; clarifying provisions relating to the terms of policies; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 690A.060 is hereby amended to read as follows:  
2 690A.060 [The] 1. *Except as provided in subsections 2 and 3, the*  
3 *term of any credit life insurance or credit health insurance [shall,] must,*  
4 *subject to acceptance by the insurer, commence on the date when the*  
5 *debtor becomes obligated to the creditor, or the date when the debtor*  
6 *applies for [such] the insurance, whichever is later. [, except that,*  
7 *where]*  
8 2. *If a group policy provides coverage with respect to [the] existing*  
9 *obligations, the insurance on a debtor with respect to [such indebtedness*  
10 *shall] the indebtedness must commence on the effective date of the*  
11 *policy or the effective date of the coverage, whichever is later. [Where]*  
12 3. *If evidence of insurability is required and [such] the evidence is*  
13 *furnished more than 30 days after the date when the debtor becomes*  
14 *obligated to the creditor, the term of the insurance may commence on the*  
15 *date on which the insurer determines the evidence to be satisfactory,*  
16 *and in such event there [shall] must be an appropriate refund or adjust-*  
17 *ment of any charge to the debtor for insurance. [The term of such insur-*  
18 *ance shall not extend more than 15 days beyond the scheduled maturity*  
19 *date of the indebtedness except when extended without additional cost to*  
20 *the debtor.]*  
21 4. *The insurance must remain in effect until the day on which the*  
22 *final payment is scheduled to be made. If the indebtedness is discharged*  
23 *[due to] by renewal or refinancing [prior to the scheduled maturity*  
24 *date,] before the date on which it would have been repaid if payments*

1 *had been made as scheduled*, the insurance in force [shall] *must* be ter-  
2 minated before any new insurance may be issued in connection with the  
3 renewed or refinanced indebtedness. In all cases of [such] termination  
4 [prior to] *before* scheduled maturity, a refund [shall] *must* be paid or  
5 credited as provided in NRS 690A.090.

6 5. *An insurer is not liable for payments not made by the insured or*  
7 *for charges not paid before the date of a loss which gives use to a claim.*

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ASSEMBLY BILL NO. 579—COMMITTEE ON COMMERCE

APRIL 28, 1981

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Referred to Committee on Commerce

SUMMARY—Makes various administrative changes in law governing real estate brokers and salesmen. (BDR 54-1738)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



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EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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AN ACT relating to real estate brokers and salesmen; making various administrative changes to the law governing those brokers and salesmen; providing a penalty; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 645.030 is hereby amended to read as follows:  
2 645.030 1. Within the meaning of this chapter, a "real estate  
3 broker" is any person who, for another and for compensation or with the  
4 intention or expectation of receiving compensation:  
5 (a) Sells, exchanges, options, purchases, rents, or leases, or negotiates  
6 or offers, attempts or agrees to negotiate the sale, exchange, option, pur-  
7 chase, rental, or lease of, or lists or solicits prospective purchasers, lessees  
8 or renters of, or collects or offers, attempts or agrees to collect rental for  
9 the use of, any real estate or the improvements thereon or any modular  
10 homes or other housing [ , including used mobile homes, ] offered or con-  
11 veyed with any interest in real estate; or  
12 (b) Engages in or offers to engage in the business of claiming, demand-  
13 ing, charging, receiving, collecting or contracting for the collection of an  
14 advance fee in connection with any employment undertaken to promote  
15 the sale or lease of business opportunities or real estate by advance fee  
16 listing advertising or other offerings to sell, lease, exchange or rent prop-  
17 erty.  
18 2. Any person who, for another and for compensation, aids, assists,  
19 solicits or negotiates the procurement, sale, purchase, rental or lease of  
20 public lands is a real estate broker within the meaning of this chapter.  
21 3. A real estate broker is an employer for the purpose of providing  
22 coverage for industrial insurance and occupational diseases, and shall  
23 submit proof of coverage under chapters 616 and 617 of NRS for himself  
24 and any broker-salesman or salesman associated with him who has not  
25 agreed to pay premiums directly, in order to obtain or renew a license.

1 4. A broker who is a natural person is an employee for the purposes  
2 of industrial insurance and occupational disease coverage.

3 5. A broker may agree with any broker-salesman or salesman with  
4 whom the broker is associated for the direct payment of premiums by the  
5 broker-salesman or salesman for coverage under the provisions of chap-  
6 ters 616 and 617 of NRS.

7 SEC. 2. NRS 645.100 is hereby amended to read as follows:

8 645.100 1. At least two members of the commission [shall] *must*  
9 be residents of the [eastern] *southern* district of Nevada, and at least two  
10 members of the commission [shall] *must* be residents of the [western]  
11 *northern* district of Nevada.

12 2. Not more than two members [shall] *may* be appointed from any  
13 one county.

14 3. The [eastern district shall consist] *southern district consists* of all  
15 that portion of the [State of Nevada] *state* lying within the boundaries of  
16 the counties of Clark, [Elko, Eureka, Lander, Lincoln, Nye and White  
17 Pine.] *Esmeralda, Lincoln and Nye.*

18 4. The [western district shall consist] *northern district consists* of  
19 all that portion of the [State of Nevada] *state* lying within the bounda-  
20 ries of Carson City and the counties of Churchill, Douglas, [Esmeralda,  
21 Humboldt,] *Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing,*  
22 *Storey, [and] Washoe [.] and White Pine.*

23 SEC. 3. NRS 645.240 is hereby amended to read as follows:

24 645.240 1. The provisions of this chapter do not apply to, and the  
25 terms "real estate broker" and "real estate salesman" do not include, any  
26 person who, as owner or lessor, performs any of the acts mentioned in  
27 NRS 645.030, 645.040, 645.230 and 645.260, with reference to prop-  
28 erty owned or leased by them, or to the regular employees thereof with  
29 respect to the property so owned or leased, where those acts are per-  
30 formed in the regular course of or as an incident to the management of  
31 such property and the investment therein. For purposes of this subsection  
32 "management" means activities which tend to preserve or increase the  
33 income from the property by preserving the physical desirability of the  
34 property or maintaining high standards of service to tenants. "Manage-  
35 ment" does not include sales activities.

36 2. The provisions of this chapter do not apply to:

37 (a) [Persons acting as attorney in fact under an executed power of  
38 attorney from the owner authorizing the final consummation by perform-  
39 ance of any contract for the sale, leasing or exchange of real estate.

40 (b) [Any bank, trust company, building and loan association, or any  
41 land mortgage or farm loan association organized under the laws of this  
42 state or of the United States, when engaged in the transaction of business  
43 within the scope of its corporate powers.

44 [(c)] (b) A corporation which, through its regular officers who  
45 receive no special compensation for it, performs any of those acts with  
46 reference to the property of the corporation.

47 [3. This chapter does not apply to:

48 (a) In any way, the]

1 (c) The services rendered by an attorney at law in the performance of  
2 his duties as [such] an attorney at law.

3 [(b) While acting as such, a]

4 (d) A receiver, trustee in bankruptcy, administrator or executor, or any  
5 other person doing any of the acts specified in NRS 645.030 under the  
6 jurisdiction of any court.

7 [(c)] (e) A trustee acting under a trust agreement, deed of trust or  
8 will, or the regular salaried employees thereof.

9 [(d)] (f) The purchase, sale or locating of mining claims or options  
10 thereon or interests therein.

11 SEC. 4. NRS 645.420 is hereby amended to read as follows:

12 645.420 1. Except as provided in subsection 2, all applications for  
13 licenses as real estate brokers, broker-salesmen or real estate salesmen  
14 [shall] must be acted upon by the real estate division within 30 days  
15 from the date of the written examination, as provided and scheduled in  
16 NRS 645.450, next following the filing of applications therefor. No  
17 license may be issued by the real estate division until the application  
18 therefor has been approved by the commission.

19 2. All applications for licenses as real estate brokers where the appli-  
20 cant takes the written examination [prior to] before meeting the experi-  
21 ence requirements of subsection 3 of NRS 645.330 [shall] must be  
22 acted upon by the real estate division within 30 days from the date the  
23 applicant furnishes proof satisfactory to the division that all the require-  
24 ments of this chapter have been met.

25 3. If in the opinion of the real estate division additional investigation  
26 of the applicant appears necessary, the real estate division may extend the  
27 30-day period and may make such additional investigation as is necessary  
28 or desirable [prior to] before acting on the applicant's application.

29 4. The burden of proof [shall in every respect be upon] is on the  
30 applicant to establish to the satisfaction of the real estate division that he  
31 is qualified to receive a license.

32 5. The division shall notify each applicant in writing of his passing  
33 or failing the examination.

34 6. The division, upon the discovery of any error in the issuance of a  
35 license which is related to the qualification or fitness of the licensee, may  
36 invalidate the license. The division shall promptly notify the licensee, in  
37 writing, of the invalidation and the licensee shall surrender the license to  
38 the division within 20 days after notice is sent by the division. A licensee  
39 whose license is invalidated under this subsection and is surrendered  
40 within the time specified is entitled to a hearing as for a denial of applica-  
41 tion in accordance with the provisions of NRS 645.440.

42 SEC. 5. NRS 645.680 is hereby amended to read as follows:

43 645.680 1. The procedure set forth in this section and NRS 645.690  
44 must be followed before the revocation or suspension of any license.

45 2. Upon a complaint being initiated by the administrator, the matter  
46 must be set for a hearing by the administrator, who shall schedule a hear-  
47 ing before the commission, and the licensee is entitled to be heard thereon  
48 in person or by counsel.

49 3. The commission shall hold such hearing within 90 days after the

1 filing of a complaint by the administrator. The time of the hearing  
2 may [.] be continued upon the motion of the commission or at the dis-  
3 cretion of the commission, [be continued] upon the written request of  
4 the licensee or of the division for good cause shown.

5 4. The licensee [shall] must be given at least 30 days' [prior]  
6 notice in writing by the division of the date, time and place of the hear-  
7 ing, which notice must contain an exact statement of the charges filed,  
8 together with a copy of the complaint and copies of all communications,  
9 reports, affidavits or depositions in possession of the division relevant to  
10 the complaint. The division may present evidence obtained after the  
11 notice only if the division shows that the evidence was not available after  
12 diligent investigation before the time notice was given to the licensee and  
13 that [such] the evidence was given or communicated to the licensee  
14 immediately after it was obtained.

15 5. The notice may be served by delivery personally to the licensee, or  
16 by mailing by certified mail to the last-known business address of the  
17 licensee. If the licensee is a broker-salesman or salesman, the division  
18 shall also notify the broker with whom he is associated, or the owner-  
19 developer by whom he is employed, by mailing an exact statement of the  
20 charges and the date, time and place of the hearing by certified mail to the  
21 owner-developer or broker's last-known business address.

22 SEC. 6. NRS 645.850 is hereby amended to read as follows:

23 645.850 1. Any licensee who commits an act described in NRS  
24 645.630, 645.633 or 645.635 shall be punished by a fine of not more  
25 than \$500.

26 2. Any person who violates any other provision of this chapter, if a  
27 natural person, is guilty of a gross misdemeanor, and if a copartnership,  
28 association or corporation, shall be punished by a fine of not more than  
29 \$2,500.

30 3. Any officer or agent of a corporation, or member or agent of a  
31 copartnership or association, who personally participates in or is an  
32 accessory to any violation of this chapter by the copartnership, associa-  
33 tion or corporation, is subject to the penalties herein prescribed for nat-  
34 ural persons.

35 4. Nothing in this section releases any person from civil liability or  
36 criminal prosecution under the general laws of this state.

37 5. The administrator may prefer a complaint for violation of NRS  
38 645.230 before any court of competent jurisdiction, and may take the  
39 necessary legal steps through the proper legal officers of this state to  
40 enforce the provisions thereof.

41 6. Any court of competent jurisdiction may try any violation of this  
42 chapter, and upon conviction the court may, at its discretion, revoke the  
43 license of the person so convicted, in addition to imposing the other pen-  
44 alties herein provided.



ASSEMBLY BILL NO. 464—ASSEMBLYMAN POLISH

APRIL 8, 1981

Referred to Committee on Commerce

SUMMARY—Requires Nevada state board of chiropractic examiners to hear all charges filed against chiropractors. (BDR 54-1574)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to the Nevada state board of chiropractic examiners; requiring the board to hear all charges filed against chiropractors; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. NRS 634.170 is hereby amended to read as follows:  
2 634.170 [1.] When charges have been filed with the secretary of  
3 the board as provided in NRS 634.160, [the charges shall be con-  
4 sidered by the president and the secretary of the board. If from the  
5 sworn complaint or from other official records it is made to appear that  
6 the charges may be well founded in fact, then the] *the board shall hear*  
7 *and consider the charges at its next regular or special meeting but in any*  
8 *case within 90 days of the filing. The secretary shall cause written notice*  
9 *of [such] the charges to be served upon the person charged at least 20*  
10 *days before the date fixed for the hearing.*  
11 [2. If the charges are not deemed by the president and the secretary  
12 to be of sufficient import or sufficiently well founded to merit bringing  
13 proceedings against the person charged, then the charges shall be held in  
14 abeyance and discussed at the next meeting of the board.]  
15 SEC. 2. NRS 634.190 is hereby amended to read as follows:  
16 634.190 1. After hearing the charges, if it appears to the satisfac-  
17 tion of *a majority of the board* that the person is guilty as charged, the  
18 board shall revoke the license of the person, either permanently or tem-  
19 porarily, and by its order suspend the person from the practice of chiro-  
20 practic within this state, either permanently or temporarily, in the  
21 discretion of the board.  
22 2. The board may likewise after finding the person guilty as charged  
23 place him on probation, impose a fine pursuant to NRS 634.150, or  
24 both.

- 1 3. The secretary of the board in all cases of revocation, suspension
- 2 or probation shall enter in his records the fact of the revocation, sus
- 3 pension, probation or fine.

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(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 444

ASSEMBLY BILL NO. 444—ASSEMBLYMEN RUSK,  
JEFFREY, BENNETT AND CHANEY

APRIL 6, 1981

Referred to Committee on Health and Welfare

SUMMARY—Regulates practice of naturopathic medicine. (BDR 54-1426)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to health care; regulating the practice of naturopathic healing; creating the board of naturopathic healing; providing for its organization, powers and duties; providing for licensing and disciplinary actions; requiring supervision by a physician; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Title 54 of NRS is hereby amended by adding thereto  
2 a new chapter to consist of the provisions set forth as sections 2 to 55,  
3 inclusive, of this act.  
4 SEC. 2. As used in this chapter, unless the context otherwise requires,  
5 the words and terms defined in sections 3 to 11, inclusive, of this act  
6 have the meanings ascribed to them in those sections.  
7 SEC. 3. "Board" means the board of naturopathic healing.  
8 SEC. 4. "Gross malpractice" means malpractice where the failure to  
9 exercise the requisite degree of care, diligence or skill consists of:  
10 1. Ministering to a patient while the naturopath is under the influence  
11 of alcohol or any controlled substance as defined in chapter 453 of NRS;  
12 2. Gross negligence;  
13 3. Willful disregard of established naturopathic procedures; or  
14 4. Willful and consistent use of naturopathic procedures, services  
15 or treatment considered by naturopath in the community to be inappro-  
16 priate or unnecessary in the cases where used.  
17 SEC. 5. "Healing art" means any system, treatment, diagnosis, pre-  
18 scription or practice for the ascertainment, cure, relief, palliation, adjust-  
19 ment or correction of any human disease, ailment, deformity, injury, or  
20 unhealthy or abnormal physical or mental condition for the practice of  
21 which long periods of specialized education and training and a degree

1 of specialized knowledge of an intellectual as well as physical nature are  
2 required.

3 SEC. 6. "Malpractice" means failure on the part of a naturopath to  
4 exercise the degree of care, diligence and skill ordinarily exercised by  
5 naturopaths in good standing in the community in which he practices.

6 SEC. 7. 1. "Naturopathic healing" means the philosophy, art and  
7 science of natural healing including the use of natural agencies, forces  
8 and substances, employing accepted procedures for diagnosis and treat-  
9 ment of human disorders and using diet and nutrition, including vitamins,  
10 fresh or dried herbs, minerals, enzymes and tissue concentrates and  
11 manual manipulation, including the physical, chemical and other prop-  
12 erties of heat, light, water and electricity.

13 2. The term does not include the use of X-ray or radium treatments,  
14 major or minor surgery, obstetrics, prescribing drugs, or invasive pro-  
15 cedures except venipuncture for the withdrawal of blood for diagnosis.

16 SEC. 8. "Naturopath" means a person who:

17 1. Is a graduate of an academic program approved by the board;  
18 2. Has received from the board a license to practice naturopathic  
19 healing; and

20 3. Practices naturopathic healing under the supervision of a physi-  
21 cian licensed under chapter 630 or 633 of NRS.

22 SEC. 9. "Professional incompetence" means lack of ability safely and  
23 skillfully to practice naturopathic healing, or to practice one or more  
24 of its specified branches, arising from:

25 1. Lack of knowledge or training;

26 2. Impaired physical or mental capability of the naturopath;

27 3. Indulgence in the use of alcohol or any controlled substance; or

28 4. Any other sole or contributing cause.

29 SEC. 10. "School of naturopathic healing" means a school approved  
30 by the board which:

31 1. Requires as a prerequisite to graduation 4 years of actual attend-  
32 ance at the school and successful completion of a curriculum which  
33 meets the requirements of this chapter; or

34 2. Requires as a prerequisite to graduation 1 year of post-graduate  
35 training for persons who have degrees from medical, osteopathic or  
36 chiropractic schools.

37 SEC. 11. 1. "Unprofessional conduct" includes:

38 (a) Willfully making a false or fraudulent statement or submitting a  
39 forged or false document in applying for a license to practice naturo-  
40 pathic healing.

41 (b) Failure of a licensee to designate his practice in the professional  
42 use of his name by using the term naturopath.

43 (c) Directly or indirectly giving to or receiving from any person any  
44 fee, commission, rebate or other form of compensation for sending,  
45 referring or otherwise inducing a person to communicate with a naturo-  
46 path in his professional capacity or for any professional services not  
47 actually and personally rendered, except as provided in subsection 2.

48 (d) Employing, directly or indirectly, any suspended or unlicensed  
49 person in the practice of naturopathic healing, or the aiding or abetting  
50 of any unlicensed person to practice naturopathic healing.

- 1 (e) Advertising the practice of naturopathic healing in a manner  
2 which does not conform to the guidelines established by board regula-  
3 tion.
- 4 (f) Engaging in any:
- 5 (1) Professional conduct which is intended to deceive or which the  
6 board by regulation has determined is unethical; or
- 7 (2) Medical practice harmful to the public or any conduct detri-  
8 mental to the public health, safety or morals which does not constitute  
9 gross or repeated malpractice or professional incompetence.
- 10 (g) Administering, dispensing or prescribing any controlled substance  
11 as defined in chapter 453 of NRS, or any dangerous drug as defined in  
12 chapter 454 of NRS.
- 13 (h) Habitual drunkenness or habitual addiction to the use of a con-  
14 trolled substance as defined in chapter 453 of NRS.
- 15 (i) Performing, assisting or advising an abortion or in the injection of  
16 any liquid silicone substance into the human body.
- 17 (j) Willful disclosure of a communication privileged under a statute  
18 or court order.
- 19 (k) Willful disobedience of the regulations of the state board of health  
20 or of the board of naturopathic healing.
- 21 (l) Willfully representing with the purpose of obtaining compensation  
22 or other advantages for himself or for any other person that a manifestly  
23 incurable disease or injury or other manifestly incurable condition can  
24 be permanently cured.
- 25 (m) Using any designation other than as authorized in this chapter  
26 or representing himself as being in the practice of a healing art for which  
27 he is not licensed.
- 28 (n) Practicing obstetrics, performing major or minor surgery or  
29 invasive procedures except venipuncture for the withdrawal of blood for  
30 diagnosis or using X-ray or radium treatments.
- 31 (o) Violating or attempting to violate, directly or indirectly, or assist-  
32 ing in or abetting the violation of or conspiring to violate any prohibition  
33 made in this chapter.
- 34 2. It is not unprofessional conduct:
- 35 (a) For persons holding valid licenses under this chapter to practice  
36 naturopathic healing in partnership under a partnership agreement or  
37 in a corporation or an association authorized by law, or to pool, share,  
38 divide or apportion the fees and money received by them or by the  
39 partnership, corporation or association in accordance with the partner-  
40 ship agreement or the policies of the board of directors of the corporation  
41 or association; or
- 42 (b) For two or more persons holding valid licenses under this chapter  
43 to receive adequate compensation for concurrently rendering profes-  
44 sional care to a patient and dividing a fee, if the patient has full knowl-  
45 edge of this division and if the division is made in proportion to the  
46 services performed and the responsibility assumed by each.
- 47 SEC. 12. The purpose of licensing naturopaths is to protect the  
48 public health and safety and the general welfare of the people of this  
49 state. Any license issued pursuant to this chapter is a revocable privilege  
50 and a holder of such a license does not acquire thereby any vested right.

1 SEC. 13. All state and local governmental regulations relative to the  
2 health apply to naturopaths, but in any matter pertaining to the public  
3 health apply to naturopaths, but the reports of births and deaths shall be  
4 signed by the naturopath's supervising physician.

5 SEC. 14. 1. This chapter does not apply to the practice of medicine  
6 under chapter 630 or 633 of NRS, dentistry, chiropractic, podiatry,  
7 optometry, faith or Christian Science healing, nursing, veterinary medi-  
8 cine or hearing aid fitting.

9 2. This chapter does not repeal or affect any law of this state regu-  
10 lating or affecting any other healing art.

11 3. This chapter does not prohibit:

12 (a) Gratuitous services of a person in cases of emergency.

13 (b) The domestic administration of family remedies.

14 SEC. 15. 1. A naturopath may not practice naturopathic healing  
15 unless he is under the supervision of a physician licensed under chapter  
16 630 or 633 of NRS.

17 2. Nothing in this chapter authorizes a naturopath to perform those  
18 functions and duties specifically delegated by law to physicians, dentists,  
19 nurses, osteopaths, chiropractors, practitioners of traditional Oriental  
20 medicine, podiatrists, optometrists, hearing aid specialists or physical  
21 therapists.

22 SEC. 16. 1. The board of naturopathic healing consists of five  
23 members appointed by the governor.

24 2. Three members of the board must:

25 (a) Be licensed under this chapter, except the initial members who  
26 must be licensed as naturopaths in another state;

27 (b) Be actually engaged in the practice of naturopathic healing in  
28 this state, except the initial members who must have been so engaged in  
29 another state; and

30 (c) Have been so engaged in this state for more than 2 years pre-  
31 ceding their appointment, except the initial members who must have  
32 been so engaged in another state.

33 3. One member must be a physician licensed under chapter 630 of  
34 NRS and a resident of Nevada.

35 4. The remaining member must be a resident of the State of Nevada:

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

37 (b) Not actively engaged in the administration of any health and care  
38 facility.

39 5. Before entering upon the duties of his office, each member of the  
40 board shall take:

41 (a) The constitutional oath of office; and

42 (b) An oath that he is legally qualified to serve on the board.

43 6. As used in this section "health and care facility" has the mean-  
44 ing ascribed to it in NRS 449.007.

45 7. Upon expiration of his term of office, a member must continue to  
46 serve until his successor is appointed and qualifies.

47 8. If a vacancy occurs on the board, a member is absent from the  
48 state for a period of 6 months or more without the board's permission, or  
49 a member fails to attend meetings of the board or to the business of  
50 the board, as determined necessary in its discretion, the board shall

1 notify the governor, and the governor shall appoint a person qualified  
2 under this chapter to replace the member for the remainder of the unex-  
3 pired term.

4 SEC. 17. 1. The board shall elect from its members a president, a  
5 vice president and a secretary-treasurer, who hold their respective offices  
6 at its pleasure. The board may fix and pay a salary to the secretary-  
7 treasurer.

8 2. The board shall meet at least twice annually and may meet at  
9 other times on the call of the president or a majority of its members.

10 3. A majority of the board constitutes a quorum to transact all busi-  
11 ness.

12 SEC. 18. Each member of the board is entitled to receive:

13 1. A salary of not more than \$40 per day, as fixed by the board,  
14 while engaged in its business.

15 2. Actual and necessary expenses for subsistence and lodging, not  
16 to exceed \$25 per day, and for transportation, while traveling on the  
17 business of the board.

18 SEC. 19. The board shall operate on the basis of a fiscal year com-  
19 mencing on July 1 and terminating on June 30.

20 SEC. 20. 1. All reasonable expenses incurred by the board in carry-  
21 ing out the provisions of this chapter must be paid from the fees which  
22 it receives, and no part of the salaries or expenses of the board may be  
23 paid out of the state general fund.

24 2. All money received by the board must be deposited in qualified  
25 banks or savings and loan associations in this state and paid out on its  
26 order for its expenses..

27 SEC. 21. The board may:

28 1. Maintain offices in as many localities in the state as it finds  
29 necessary to carry out the provisions of this chapter.

30 2. Employ attorneys, investigators and other professional consultants  
31 and clerical personnel necessary to the discharge of its duties.

32 SEC. 22. 1. For the purposes of this chapter the secretary or presi-  
33 dent of the board may issue subpoenas to compel the attendance of wit-  
34 nesses and the production of books and papers.

35 2. If any witness refuses to attend or testify or produce any books  
36 and papers as required by the subpoena, the secretary or president of the  
37 board may report to the district court by petition, setting forth that:

38 (a) Due notice has been given of the time and place of attendance  
39 of the witness or the production of the books and papers;

40 (b) The witness has been subpoenaed by the board pursuant to this  
41 section; and

42 (c) The witness has failed or refused to attend or produce the books  
43 and papers required by the subpoena before the board which is named in  
44 the subpoena, or has refused to answer questions propounded to him,  
45 and asking for an order of the court compelling the witness to attend and  
46 testify or produce the books and papers before the board.

47 3. Upon such petition, the court shall enter an order directing the  
48 witness to appear before the court at a time and place to be fixed by the  
49 court in its order, the time to be not more than 10 days from the date of  
50 the order, and then and there show cause why he has not attended or

1 testified or produced the books or papers before the board. A certified  
2 copy of the order must be served upon the witness.

3 4. If it appears to the court that the subpena was regularly issued by  
4 the board, the court shall enter an order that the witness appear before the  
5 board at the time and place fixed in the order and testify or produce  
6 the required books or papers, and upon failure to obey the order the  
7 witness must be dealt with as for contempt of court.

8 SEC. 23. The board shall:

9 1. Adopt and enforce regulations necessary to enable it to carry out  
10 its duties under this chapter, including but not limited to regulations  
11 which establish the principles of ethics to be used as the basis for deter-  
12 mining whether conduct which does not constitute malpractice is  
13 unethical.

14 2. Keep a record of its proceedings relating to licensing and dis-  
15 disciplinary actions. The records must be open to public inspection at all  
16 reasonable times and must contain the name, known place of business  
17 and residence, and the date and number of the license of every naturo-  
18 path licensed under this chapter.

19 SEC. 24. An applicant for a license to practice naturopathic healing  
20 must be issued a license by the board if he:

21 1. Is 21 years of age or older;

22 2. Is a citizen of the United States or is legally entitled to live and  
23 work in the United States;

24 3. Is a graduate of a school of naturopathic healing which is  
25 approved by the board;

26 4. Applies for the license;

27 5. Passes the examination prescribed by the board; and

28 6. Pays the fees provided for in this chapter.

29 SEC. 25. 1. Every applicant for a license shall:

30 (a) File an application with the board in the manner prescribed by  
31 regulations of the board;

32 (b) Submit verified proof satisfactory to the board that he meets the  
33 age, citizenship and educational requirements prescribed by this chapter;  
34 and

35 (c) Pay in advance to the board the initial license fee prescribed by the  
36 board.

37 2. The board may hold hearings and conduct investigations into any  
38 matter related to the application and in addition to the proofs required  
39 by subsection 1 may take such further evidence and require such other  
40 documents or proof of qualifications as it deems proper.

41 3. The board may reject an application if it determines that any  
42 credential submitted is false.

43 SEC. 26. 1. Examinations must be held at least twice a year at the  
44 time and place fixed by the board. All applicants must be notified in  
45 writing of the examinations.

46 2. The examinations must be fair and impartial, practical in char-  
47 acter, and the questions must be designed to discover the applicant's  
48 fitness.



1 3. The board may employ specialists and other professional con-  
2 sultants or examining services in conducting the examination.

3 4. The member of the board who is not licensed in any state to  
4 practice any healing art may not participate in preparing, conducting or  
5 grading any examination required by the board.

6 SEC. 27. The board may approve a school of naturopathic healing  
7 which:

8 1. Accepts only graduates of standard high schools and persons with  
9 equivalent education, and which offers a curriculum consisting of at  
10 least 4,500 hours of instruction, including adequate instruction in the  
11 following subjects:

- 12 (a) Anatomy and histology;
- 13 (b) Physiology and biology;
- 14 (c) Organic chemistry, biochemistry, autotherapy, endocrinology, phy-  
15 totherapy, dietetics and pharmacology;
- 16 (d) Pathology, bacteriology, immunology and clinical laboratory pro-  
17 cedures;
- 18 (e) Diagnosis, including use of physical, clinical, X-ray and laboratory  
19 methods, and symptomatology;
- 20 (f) Public health, first aid, hygiene, nutrition and sanitation;
- 21 (g) Embryology, gynecology, obstetrics, proctology, urology, reontgen-  
22 ology and toxicology;
- 23 (h) Neurology, psychiatry and psychology;
- 24 (i) Orthopedics, pediatrics and geriatrics;
- 25 (j) Eye, ear, nose and throat practice;
- 26 (k) Clinical practice, including emergency procedures;
- 27 (l) Naturopathic principles, philosophy and therapeutics; and
- 28 (m) Manipulation and homeopathy.

29 2. Accepts persons who have degrees from accredited medical, osteo-  
30 pathic or chiropractic schools and offer a minimum of 1,000 hours of  
31 instruction in:

- 32 (a) Phytotherapy, including herbalism;
- 33 (b) Nutrition;
- 34 (c) Manipulation;
- 35 (d) Homeopathy; and
- 36 (e) Naturopathic principles, philosophy and therapeutics.

37 The board may inspect institutions which purport to be schools of natur-  
38 opathy and issue or refuse to issue certificates of approval.

39 SEC. 28. 1. If an applicant fails in a first examination, he may be  
40 reexamined after not less than 6 months.

41 2. If he fails in a second examination, he is not thereafter entitled  
42 to another examination within less than 1 year after the date of the  
43 second examination, and prior thereto he shall furnish proof to the  
44 board of further postgraduate study following the second examination  
45 satisfactory to the board.

46 3. Each applicant who fails an examination and who is permitted to  
47 be reexamined shall pay for each reexamination the reexamination fee  
48 prescribed by the board.

1 4. If an applicant does not appear for examination, for any reason  
2 deemed sufficient by the board, the board may refund a portion of the  
3 initial license fee not to exceed one-half of the fee upon the request of  
4 the applicant. There may be no refund of the initial license fee if an  
5 applicant appears for examination.

6 SECS. 29 to 32. (Deleted by amendment.)

7 SEC. 33. Each license issued by the board:

8 1. Must bear a seal adopted by the board and the signatures of its  
9 president and secretary; and

10 2. Authorizes the holder to practice naturopathic healing so long as  
11 it is kept in force by appropriate renewal and is not revoked or sus-  
12 pended.

13 SEC. 34. 1. Except as provided in section 36 of this act, every holder  
14 of a license issued under this chapter may renew his license, on or before  
15 February 1 of each calendar year after its issuance by:

16 (a) Applying for renewal on forms provided by the board;

17 (b) Paying the annual renewal fee prescribed by the board; and

18 (c) Furnishing proof of attendance at such continuing education  
19 courses as are required by the board, not to exceed 12 hours since his  
20 last renewal or licensing.

21 2. The secretary of the board shall notify each licensee of the  
22 renewal requirement not less than 60 days before the date of renewal.

23 SEC. 35. 1. If a licensee fails to comply with the requirements of  
24 section 34 of this act within 30 days after the renewal date, the board  
25 shall give 30 days' notice of failure to renew and of revocation of license  
26 by certified mail to the licensee at his last address registered with the  
27 board. If the license is not renewed before the expiration of the 30 days'  
28 notice, the license is automatically revoked without any further notice  
29 or a hearing and the board shall file a copy of the notice with the Drug  
30 Enforcement Administration of the United States Department of Justice  
31 or its successor agency.

32 2. A person whose license is revoked under this section may apply  
33 to the board for restoration of his license upon:

34 (a) Payment of all past due renewal fees and the late payment fee  
35 prescribed by the board; and

36 (b) Stating under oath in writing that he has not withheld information  
37 from the board which if disclosed would furnish grounds for disciplinary  
38 action under this chapter.

39 SEC. 36. 1. A licensee who retires from the practice of naturopathic  
40 healing need not annually renew his license after he files with the  
41 board an affidavit stating the date on which he retired from practice and  
42 such other facts to verify his retirement as the board deems necessary.

43 2. A retired licensee who desires to return to practice may apply to  
44 renew his license by paying all back annual renewal fees from the date  
45 of retirement and submitting verified evidence satisfactory to the board  
46 that he has attended such continuing education courses or programs as  
47 are required by the board.

48 SEC. 37. The board shall charge and collect fees not to exceed the  
49 following amounts:

|   |                          |       |
|---|--------------------------|-------|
| 1 | Initial license fee..... | \$200 |
| 2 | Annual renewal fee.....  | 300   |
| 3 | Reexamination fee.....   | 200   |
| 4 | Late payment fee.....    | 100   |

5 SEC. 38. The grounds for initiating disciplinary action under this  
6 chapter are:

- 7 1. Unprofessional conduct.
- 8 2. Conviction of:
  - 9 (a) A violation of any federal or state law regulating the possession,
  - 10 distribution or use of any controlled substance as defined in chapter 453
  - 11 of NRS or dangerous drug as defined in chapter 454 of NRS;
  - 12 (b) A felony; or
  - 13 (c) Any offense involving moral turpitude.
- 14 3. Suspension or revocation of the license to practice naturopathic
- 15 healing by any other jurisdiction.
- 16 4. Gross or repeated malpractice.
- 17 5. Professional incompetence.

18 SEC. 39. The board or any of its members, any medical review panel  
19 of a medical society which becomes aware that any one or combination  
20 of the grounds for initiating disciplinary action may exist as to a person  
21 practicing naturopathic healing in this state shall, and any other person  
22 who is so aware may, file a written complaint specifying the relevant facts  
23 with the board or with a society of naturopathic healing of the county in  
24 which the person charged has his office if there is such a society in the  
25 county.

- 26 SEC. 40. 1. When a complaint is filed:
- 27 (a) With the board, it shall be reviewed by the board.
  - 28 (b) With a society of naturopathic healing, the society shall forward
  - 29 a copy of the complaint to the board for review.
- 30 2. If, from the complaint or from other official records, it appears  
31 that the complaint is not frivolous and the complaint charges:
- 32 (a) Unprofessional conduct, a conviction or the suspension or revoca-
  - 33 tion of a license to practice naturopathic healing, the board shall pro-
  - 34 ceed with appropriate disciplinary action.
  - 35 (b) Gross or repeated malpractice or professional incompetence, the
  - 36 board shall transmit the original complaint, along with further facts or
  - 37 information derived from its own review, to the attorney general.

38 SEC. 41. 1. The attorney general shall conduct an investigation of  
39 each complaint transmitted to him to determine whether it warrants pro-  
40 ceedings for modification, suspension or revocation of license. If he deter-  
41 mines that such further proceedings are warranted, he shall report the  
42 results of his investigation together with his recommendation to the  
43 board in a manner which does not violate the right of the person charged  
44 in the complaint to due process in any later hearing before the board.

45 2. The board shall promptly make a determination with respect to  
46 each complaint reported to it by the attorney general as to what action  
47 shall be pursued. The board shall:

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

1     **SEC. 42.** 1. If the board determines that a complaint is not frivolous,  
2 the board may require the person charged in the complaint to submit to  
3 a mental or physical examination by physicians designated by the  
4 board.

5     2. For the purposes of this section:

6     (a) Every person licensed under this chapter who accepts the privilege  
7 of practicing naturopathic healing in this state shall be deemed to  
8 have given his consent to submit to a mental or physical examination  
9 when directed to do so in writing by the board.

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

12    3. Except in extraordinary circumstances, as determined by the  
13 board, the failure of a naturopath licensed under this chapter to submit  
14 to an examination when directed as provided in this section constitutes  
15 an admission of the charges against him.

16     **SEC. 43.** If the board has reason to believe that the conduct of any  
17 naturopath has raised a reasonable question as to his competence to  
18 practice naturopathic healing with reasonable skill and safety to patients,  
19 the board may cause a medical competency examination of the naturo-  
20 path for purposes of determining his fitness to practice naturopathic heal-  
21 ing with reasonable skill and safety to patients.

22     **SEC. 44.** If the board issues an order summarily suspending the  
23 license of a naturopath pending proceedings for disciplinary action and  
24 requires the naturopath to submit to a mental or physical examination  
25 or a medical competency examination, the examination must be con-  
26 ducted and the results obtained not later than 60 days after the board  
27 issues its order.

28     **SEC. 45.** If the board issues an order summarily suspending the  
29 license of a naturopath pending proceedings for disciplinary action, the  
30 court shall not stay that order unless the board fails to institute and deter-  
31 mine such proceedings as promptly as the requirements for investigation  
32 of the case reasonably allow.

33     **SEC. 46.** 1. In addition to any other remedy provided by law, the  
34 board, through its president, secretary or its attorney, or the attorney  
35 general, may apply to any court of competent jurisdiction to enjoin any  
36 unprofessional conduct of a naturopath which is harmful to the public  
37 or to limit the naturopath's practice or suspend his license to practice  
38 naturopathic healing as provided in this section.

39    2. The court in a proper case may issue a temporary restraining  
40 order or a preliminary injunction for such purposes:

41    (a) Without proof of actual damage sustained by any person, this  
42 provision being a preventive as well as a punitive measure; and

43    (b) Pending proceedings for disciplinary action by the board. These  
44 proceedings must be instituted and determined as promptly as the require-  
45 ments for investigation of the case reasonably allow.

46     **SEC. 47.** All proceedings subsequent to the filing of a complaint are  
47 confidential, except to the extent necessary for the conduct of an exami-  
48 nation, until the board determines to proceed with disciplinary action.  
49 If the board dismisses the complaint, the proceedings remain confidential.

1 If the board proceeds with disciplinary action, confidentiality concerning  
2 the proceedings is no longer required.

3 SEC. 48. If:

4 1. A complaint charging unprofessional conduct, a conviction or the  
5 suspension or revocation of a license to practice naturopathic healing  
6 is not frivolous; or

7 2. With respect to a complaint reported by the attorney general, the  
8 board has determined to proceed with disciplinary action,  
9 the secretary of the board shall fix a time and place for a hearing and  
10 cause a notice of the hearing and a formal complaint prepared by the  
11 board to be served on the person charged at least 30 days before the  
12 date fixed for the hearing.

13 SEC. 49. 1. Service of process made under this chapter must be  
14 personal or by registered or certified mail with return receipt requested,  
15 addressed to the naturopath at his last known address, as indicated on  
16 the records of the board, if possible. If personal service cannot be made  
17 and if mail notice is returned undelivered, the secretary of the board  
18 shall cause notice of hearing to be published once a week for 4 con-  
19 secutive weeks in a newspaper published in the county of the physician's  
20 last known address or, if no newspaper is published in that county, then  
21 in a newspaper widely distributed in that county.

22 2. Proof of service of process or publication of notice made under  
23 this chapter must be filed with the secretary of the board and be recorded  
24 in the minutes of the board.

25 SEC. 50. In any disciplinary proceeding before the board:

26 1. Proof of actual injury need not be established where the complaint  
27 charges deceptive or unethical professional conduct or practice of naturo-  
28 pathic healing which is harmful to the public.

29 2. A certified copy of the record of a court or a licensing agency  
30 showing a conviction or the suspension or revocation of a license to  
31 practice naturopathic healing is conclusive evidence of its occurrence.

32 SEC. 51. 1. The person charged is entitled to a hearing before the  
33 board, but the failure of the person charged to attend his hearing or his  
34 failure to defend himself does not delay or void the proceedings. The  
35 board may, for good cause shown, continue any hearing from time to  
36 time.

37 2. If the board finds the person guilty as charged in the complaint,  
38 it may by order:

39 (a) Place the person on probation for a specified period or until  
40 further order of the board.

41 (b) Administer to the person a public or private reprimand.

42 (c) Limit the practice of the person to, or by the exclusion of, one or  
43 more specified branches of naturopathic healing.

44 (d) Suspend the license of the person to practice naturopathic healing  
45 for a specified period or until further order of the board.

46 (e) Revoke the license of the person to practice naturopathic  
47 healing.

48 The order of the board may contain other terms, provisions or conditions  
49 which the board deems proper and which are not inconsistent with law.

1     **SEC. 52.** 1. Any person who has been placed on probation or whose  
2 license has been limited, suspended or revoked by the board is entitled  
3 to judicial review of the board's order as provided by law.

4     2. Every order of the board which limits the practice of naturopathic  
5 healing or suspends or revokes a license is effective from the date the  
6 secretary certifies the order to the proper county recorder until the order  
7 is modified or reversed by a final judgment of the court. The court shall  
8 not stay the order of the board unless the board has failed to comply with  
9 the procedural requirements provided for in NRS 233B.140.

10    3. The district court shall give a petition for judicial review of the  
11 board's order priority over other civil matters which are not expressly  
12 given that priority by law.

13     **SEC. 53.** 1. Any person:

14     (a) Whose practice of naturopathic healing has been limited; or

15     (b) Whose license to practice naturopathic healing has been:

16         (1) Suspended until further order; or

17         (2) Revoked,

18 by an order of the board may apply to the board after a reasonable period  
19 for removal of the limitation or restoration of his license.

20    2. In hearing the application, the board:

21     (a) May require the person to submit to a mental or physical exami-  
22 nation by physicians or other appropriate persons whom it designates  
23 and submit such other evidence of changed conditions and of fitness as  
24 it deems proper;

25     (b) Shall determine whether under all the circumstances the time of  
26 the application is reasonable; and

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

29     **SEC. 54.** The board of naturopathic healing, a society of naturopathic  
30 healing or any person who or other organization which initiates or  
31 assists in any lawful investigation or proceeding concerning the discipline  
32 of a naturopath for gross malpractice, repeated malpractice, professional  
33 incompetence or unprofessional conduct is immune from any civil action  
34 for that initiation or assistance or any consequential damages, if the  
35 person or organization acted without malicious intent.

36     **SEC. 55.** A person who:

37     1. Practices naturopathic healing:

38     (a) Without a license valid under this chapter; or

39     (b) Beyond the limitations imposed by this chapter or ordered upon  
40 his practice by the board or the court;

41     2. Presents as his own the diploma, license or credentials of another;

42     3. Gives either false or forged evidence of any kind to the board or  
43 any of its members in connection with an application for a license;

44     4. Files for record the license issued to another, falsely claiming  
45 himself to be the person named in the license, or falsely claiming himself  
46 to be the person entitled to the license; or

47     5. Practices naturopathic healing under a false or assumed name  
48 or falsely personates another licensee of a like or different name,

49 shall be punished by imprisonment in the state prison for not less than  
50 1 nor more than 6 years.

- 1    **SEC. 56. 1. The governor shall appoint:**  
2    **(a) Three persons who are qualified pursuant to subsection 2;**  
3    **(b) One person who is qualified pursuant to subsection 3; and**  
4    **(c) One person who is qualified pursuant to subsection 4,**  
5    **of section 16 of this act, to the board of naturopathic healing.**  
6    **2. Of the members of the board appointed by the governor pursuant**  
7    **to subsection 1:**  
8    **(a) Two members, including one person who is qualified under sub-**  
9    **section 2 of section 16 of this act and the person qualified under subsec-**  
10   **tion 3 of section 16 of this act shall serve terms ending on June 30, 1985;**  
11   **(b) One member shall serve a term ending June 30, 1984;**  
12   **(c) One member shall serve a term ending June 30, 1983; and**  
13   **(d) One member shall serve a term ending June 30, 1982.**

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 140

ASSEMBLY BILL NO. 140—ASSEMBLYMEN RACKLEY,  
CHANNEY, BENNETT, PRENGAMAN AND SCHOFIELD

FEBRUARY 11, 1981

Referred to Committee on Commerce

SUMMARY—Provides for chiropractors' assistants. (BDR 54-187)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to chiropractic; providing for chiropractors' assistants; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 634 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.  
3 SEC. 2. *A chiropractor's assistant may perform such ancillary serv-*  
4 *ices relating to chiropractic as he is authorized to perform under the*  
5 *terms of a certificate issued to him by the board. Those services must be*  
6 *rendered under the supervision and control of a chiropractor.*  
7 SEC. 3. *The board may issue a certificate to a properly qualified*  
8 *applicant to perform ancillary services relating to chiropractic, other than*  
9 *chiropractic adjustment, under the supervision of a chiropractor. The*  
10 *board shall specify the formal training, including at least 12 months of*  
11 *study or the equivalent, which such an applicant must have completed*  
12 *before the board awards him a certificate as a chiropractor's assistant.*  
13 SEC. 4. *No chiropractor may employ more than two chiropractor's*  
14 *assistants at the same time.*  
15 SEC. 5. NRS 634.100 is hereby amended to read as follows:  
16 634.100 1. An applicant for a license to practice chiropractic in the  
17 State of Nevada whether by examination or reciprocity, must pay to the  
18 secretary of the board a fee of \$100.  
19 2. An applicant taking the examination who receives a general  
20 average of not less than 75 percent in all subjects and who does not fall  
21 below the grade of 70 percent in any one subject is entitled to a license  
22 to practice chiropractic.  
23 3. If an applicant fails to pass the first examination, he may take a



- 1 second examination within 1 year without payment of any additional
- 2 fees. Credit must be given on this examination for all subjects previously
- 3 passed with a grade of 75 percent or higher.
- 4 4. An applicant for a certificate as a chiropractor's assistant shall pay
- 5 to the secretary of the board a sum designated by the board, not to
- 6 exceed \$100, before the application may be considered.