

SENATE BILL NO. 250—SENATORS TOWNSEND AND O’CONNELL

MARCH 10, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions relating to regulated businesses and professions. (BDR 57-835)

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

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

AN ACT relating to regulated businesses and professions; enacting certain provisions that are applicable to all regulatory bodies that regulate occupations or professions in title 54 of NRS; providing that certain records of a regulatory body are public records; revising provisions relating to certain consent and settlement agreements; enacting provisions relating to attorney’s fees and costs; establishing and revising various powers and duties of the Board of Medical Examiners and the State Board of Osteopathic Medicine; making various changes regarding the licensure of certain physicians; revising the provisions governing the filing and approval of rates of certain insurers; making various changes relating to policies of malpractice insurance; requiring the Commissioner of Insurance to perform certain duties relating to policies of malpractice insurance; 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 622 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5 *requires, the words and terms defined in sections 3, 4 and 5 of this*  
6 *act have the meanings ascribed to them in those sections.*

7       **Sec. 3.** *“License” mean any license, certificate, registration,*  
8 *permit or similar type of authorization issued by a regulatory body.*

9       **Sec. 4.** *“Licensee” means a person who holds any license,*  
10 *certificate, registration, permit or similar type of authorization*  
11 *issued by a regulatory body.*

12       **Sec. 5.** *“Regulatory body” means:*

13       1. *Any agency, board or commission which has the authority*  
14 *to regulate an occupation or profession pursuant to this title; and*

15       2. *Any officer of an agency, board or commission which has*  
16 *the authority to regulate an occupation or profession pursuant to*  
17 *this title.*

18       **Sec. 6.** *In regulating an occupation or profession pursuant to*  
19 *this title, each regulatory body shall carry out and enforce the*  
20 *provisions of this title for the protection and benefit of the public.*

21       **Sec. 7.** *If any provision of this title requires a regulatory*  
22 *body to disclose information to the public in any proceeding or as*  
23 *part of any record, such a provision does not apply to any personal*  
24 *medical information or records of a patient that are confidential*  
25 *or otherwise protected from disclosure by any other provision of*  
26 *federal or state law.*

27       **Sec. 8.** 1. *The provisions of NRS 241.020 do not apply to*  
28 *proceedings relating to an investigation conducted to determine*  
29 *whether to proceed with disciplinary action against a licensee,*  
30 *unless the licensee requests that the proceedings be conducted*  
31 *pursuant to those provisions.*

32       2. *If the regulatory body decides to proceed with disciplinary*  
33 *action against the licensee, all proceedings that are conducted*  
34 *after that decision and are related to that disciplinary action are*  
35 *subject to the provisions of NRS 241.020.*

36       **Sec. 9.** 1. *Except as otherwise provided in this section, a*  
37 *regulatory body may not enter into a consent or settlement*  
38 *agreement with a person who has allegedly committed a violation*  
39 *of any provision of this title which the regulatory body has the*  
40 *authority to enforce, any regulation adopted pursuant thereto or*  
41 *any order of the regulatory body, unless the regulatory body*  
42 *discusses and approves the terms of the agreement in a public*  
43 *meeting.*



1       2. *A regulatory body that consists of one natural person may*  
2 *enter into a consent or settlement agreement without complying*  
3 *with the provisions of subsection 1 if:*

4       (a) *The regulatory body posts notice in accordance with the*  
5 *requirements for notice for a meeting held pursuant to chapter*  
6 *241 of NRS and the notice states that:*

7       (1) *The regulatory body intends to resolve the alleged*  
8 *violation by entering into a consent or settlement agreement with*  
9 *the person who allegedly committed the violation; and*

10       (2) *For the limited time set forth in the notice, any person*  
11 *may request that the regulatory body conduct a public meeting to*  
12 *discuss the terms of the consent or settlement agreement by*  
13 *submitting a written request for such a meeting to the regulatory*  
14 *body within the time prescribed in the notice; and*

15       (b) *At the expiration of the time prescribed in the notice, the*  
16 *regulatory body has not received any requests for a public meeting*  
17 *regarding the consent or settlement agreement.*

18       3. *If a regulatory body enters into a consent or settlement*  
19 *agreement that is subject to the provisions of this section, the*  
20 *agreement is a public record.*

21       4. *The provisions of this section do not apply to a consent or*  
22 *settlement agreement between a regulatory body and a licensee*  
23 *that provides for the licensee to enter a diversionary program for*  
24 *the treatment of alcohol, chemical or substance abuse or*  
25 *dependency.*

26       **Sec. 10.** *1. A regulatory body may recover from a person*  
27 *reasonable attorney's fees and costs that are incurred by the*  
28 *regulatory body as part of its investigative, administrative and*  
29 *disciplinary proceedings against the person if the regulatory body:*

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

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

39       2. *As used in this section, "costs" means:*

40       (a) *Costs of an investigation.*

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

43       (c) *Fees for court reporters at any depositions or hearings.*

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



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

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

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

7 **Sec. 11.** A court shall award to a regulatory body reasonable  
8 attorney's fees and reasonable costs specified in NRS 18.005 that  
9 are incurred by the regulatory body to bring or defend in any  
10 action if:

11 1. The action relates to the imposition or recovery of an  
12 administrative or civil remedy or penalty, the enforcement of any  
13 subpoena issued by the regulatory body or the enforcement of any  
14 provision of this title which the regulatory body has the authority  
15 to enforce, any regulation adopted pursuant thereto or any order  
16 of the regulatory body; and

17 2. The court determines that the regulatory body is the  
18 prevailing party in the action.

19 **Sec. 12.** NRS 622.100 is hereby amended to read as follows:

20 622.100 1. Each ~~occupational licensing board~~ regulatory  
21 body shall, on or before the 20th day of January, April, July and  
22 October, submit to the Director of the Legislative Counsel Bureau a  
23 summary of each disciplinary action taken by the regulatory body  
24 during the immediately preceding calendar quarter against ~~the~~  
25 ~~holder of a license, certificate, registration or permit issued by the~~  
26 ~~occupational licensing board.~~ any licensee of the regulatory body.

27 2. The Director of the Legislative Counsel Bureau shall:

28 (a) Provide any information he receives pursuant to subsection 1  
29 to a member of the public upon request;

30 (b) Cause a notice of the availability of such information to be  
31 posted on the public website of the Nevada Legislature on the  
32 Internet; and

33 (c) Transmit a compilation of the information he receives  
34 pursuant to subsection 1 to the Legislative Commission quarterly,  
35 unless otherwise directed by the Commission.

36 **Sec. 13.** NRS 622.110 is hereby amended to read as follows:

37 622.110 1. Each ~~occupational licensing board~~ regulatory  
38 body shall, on or before November 1 of each even-numbered year,  
39 submit a report of its activities to the Director of the Legislative  
40 Counsel Bureau.

41 2. The report must include, without limitation:

42 (a) The number of licenses ~~[-certificates, registrations and~~  
43 ~~permits, respectively.]~~ issued by the ~~occupational licensing board~~  
44 regulatory body during the immediately preceding 2 fiscal years;



1 (b) A summary of the budget of the ~~occupational licensing~~  
2 ~~board~~ *regulatory body* during the immediately preceding 2 fiscal  
3 years that is related to the duties of the ~~occupational licensing~~  
4 ~~board~~ *regulatory body* pursuant to this title, including, without  
5 limitation, a description of all income and expenditures related to  
6 such duties;

7 (c) A summary of each disciplinary action taken *by the*  
8 *regulatory body* during the immediately preceding 2 fiscal years  
9 against ~~the holder of a license, certificate, registration or permit~~  
10 ~~issued by the occupational licensing board;~~ *any licensee of the*  
11 *regulatory body*; and

12 (d) Any other information that is requested by the Director of  
13 the Legislative Counsel Bureau or which the ~~occupational licensing~~  
14 ~~board~~ *regulatory body* determines would be helpful to the  
15 Legislature in evaluating whether the continued existence of the  
16 ~~occupational licensing board~~ *regulatory body* is necessary.

17 3. The Director of the Legislative Counsel Bureau shall  
18 compile all the reports he receives and distribute copies of the  
19 compilation to the Senate Standing Committee on Commerce and  
20 Labor and the Assembly Standing Committee on Commerce and  
21 Labor, which each shall review the compilation to determine  
22 whether the continued existence of each ~~occupational licensing~~  
23 ~~board~~ *regulatory body* is necessary.

24 **Sec. 14.** NRS 623.131 is hereby amended to read as follows:  
25 623.131 1. Except as otherwise provided in subsections 2, 3  
26 and 4, the records of the Board which relate to:

- 27 (a) An employee of the Board;
- 28 (b) An examination given by the Board; or
- 29 (c) Complaints and charges filed with the Board and the material  
30 compiled as a result of its investigation of those complaints and  
31 charges,  
32 are confidential.

33 2. The records described in subsection 1 may be disclosed,  
34 pursuant to procedures established by regulation of the Board, to a  
35 court or an agency of the Federal Government, any state, any  
36 political subdivision of this state , or any other related professional  
37 board or organization.

38 3. ~~Upon completion of an investigation by the Board, any~~  
39 ~~records of the Board described in paragraph (c) of subsection 1 are~~  
40 ~~public records only if:~~

- 41 ~~(a) Disciplinary action is imposed by the Board as a result of the~~  
42 ~~investigation; or~~
- 43 ~~(b) The person regarding whom the investigation was made~~  
44 ~~submits a written request to the Board requesting that the records be~~  
45 ~~made] *The complaint or other document filed by the Board to*~~



1 *initiate disciplinary action and all other documents and*  
2 *information considered by the Board when determining whether to*  
3 *impose discipline are* public records.

4 4. The Board may report to other related professional boards  
5 and organizations an applicant's score on an examination given by  
6 the Board.

7 **Sec. 15.** NRS 623.270 is hereby amended to read as follows:

8 623.270 1. The Board may place the holder of any certificate  
9 of registration issued pursuant to the provisions of this chapter on  
10 probation, *publicly* reprimand him, fine him not more than \$10,000,  
11 suspend or revoke his license, impose the costs of investigation and  
12 prosecution upon him or take any combination of these disciplinary  
13 actions, if proof satisfactory to the Board is presented that:

14 (a) The certificate was obtained by fraud or concealment of a  
15 material fact.

16 (b) The holder of the certificate has been found guilty by the  
17 Board or by a court of justice of any fraud, deceit or concealment of  
18 a material fact in his professional practice, or has been convicted by  
19 a court of justice of a crime involving moral turpitude.

20 (c) The holder of the certificate has been found guilty by the  
21 Board of incompetency, negligence or gross negligence in:

22 (1) The practice of architecture or residential design; or

23 (2) His practice as a registered interior designer.

24 (d) The holder of a certificate has affixed his signature or seal to  
25 plans, drawings, specifications or other instruments of service which  
26 have not been prepared by him or in his office, or under his  
27 responsible control, or has permitted the use of his name to assist  
28 any person who is not a registered architect, registered interior  
29 designer or residential designer to evade any provision of this  
30 chapter.

31 (e) The holder of a certificate has aided or abetted any  
32 unauthorized person to practice:

33 (1) Architecture or residential design; or

34 (2) As a registered interior designer.

35 (f) The holder of the certificate has violated any law, regulation  
36 or code of ethics pertaining to:

37 (1) The practice of architecture or residential design; or

38 (2) Practice as a registered interior designer.

39 (g) The holder of a certificate has failed to comply with an order  
40 issued by the Board or has failed to cooperate with an investigation  
41 conducted by the Board.

42 2. ~~If discipline is imposed pursuant to the provisions of this~~  
43 ~~section, the costs of the proceeding, including investigative costs~~  
44 ~~and attorney's fees, may be recovered by the Board.~~



1 ~~—3.]~~ The conditions for probation imposed pursuant to the  
2 provisions of subsection 1 may include, but are not limited to:

- 3 (a) Restriction on the scope of professional practice.
- 4 (b) Peer review.
- 5 (c) Required education or counseling.
- 6 (d) Payment of restitution to each person who suffered harm or  
7 loss.

8 ~~[(e) Payment of all costs of the administrative investigation and  
9 prosecution.~~

10 ~~—4.]~~ *3. An order that imposes discipline and the findings of  
11 fact and conclusions of law supporting that order are public  
12 records.*

13 *4. The Board shall not privately reprimand the holder of any  
14 certificate of registration issued pursuant to this chapter.*

15 *5.* As used in this section:

16 (a) “Gross negligence” means conduct which demonstrates a  
17 reckless disregard of the consequences affecting the life or property  
18 of another person.

19 (b) “Incompetency” means conduct which, in:

- 20 (1) The practice of architecture or residential design; or
- 21 (2) Practice as a registered interior designer,

22 demonstrates a significant lack of ability, knowledge or fitness to  
23 discharge a professional obligation.

24 (c) “Negligence” means a deviation from the normal standard of  
25 professional care exercised generally by other members in:

- 26 (1) The profession of architecture or residential design; or
- 27 (2) Practice as a registered interior designer.

28 **Sec. 16.** Chapter 623A of NRS is hereby amended by adding  
29 thereto a new section to read as follows:

30 *1. Except as otherwise provided in this section, a complaint  
31 filed with the Executive Director, all documents and other  
32 information filed with the complaint and all documents and other  
33 information compiled as a result of an investigation conducted to  
34 determine whether to initiate disciplinary action are confidential.*

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

39 **Sec. 17.** NRS 623A.270 is hereby amended to read as follows:  
40 623A.270 1. The Board may:

41 (a) Suspend or revoke a certificate of registration or certificate  
42 to practice as a landscape architect intern;

43 (b) Refuse to renew a certificate of registration or certificate to  
44 practice as a landscape architect intern;



- 1 (c) Place a holder of a certificate of registration or certificate to  
2 practice as a landscape architect intern on probation;
- 3 (d) Issue a *public* reprimand to a holder of a certificate of  
4 registration or certificate to practice as a landscape architect intern;
- 5 (e) Impose upon a holder of a certificate of registration or  
6 certificate to practice as a landscape architect intern a fine of not  
7 more than \$5,000 for each violation of this chapter;
- 8 (f) Require a holder of a certificate of registration or certificate  
9 to practice as a landscape architect intern to pay restitution; *or*
- 10 (g) ~~Require a holder of a certificate of registration or certificate~~  
11 ~~to practice as a landscape architect intern to pay the costs of an~~  
12 ~~investigation or prosecution; or~~
- 13 ~~(h)~~ Take such other disciplinary action as the Board deems  
14 appropriate,  
15 if the holder of a certificate of registration or certificate to practice  
16 as a landscape architect intern has committed any act set forth in  
17 NRS 623A.280.
- 18 2. The conditions for probation imposed pursuant to the  
19 provisions of subsection 1 may include, without limitation:
- 20 (a) Restriction on the scope of professional practice;
- 21 (b) Peer review;
- 22 (c) Education or counseling;
- 23 (d) The payment of restitution to each person who suffered harm  
24 or loss; and
- 25 (e) The payment of all costs of the administrative investigation  
26 and prosecution.
- 27 3. ~~If the Board imposes discipline pursuant to the provisions~~  
28 ~~of this section, the Board may recover the costs of the proceeding,~~  
29 ~~including any investigative costs and attorney's fees.~~
- 30 ~~4.] An order that imposes discipline and the findings of fact~~  
31 ~~and conclusions of law supporting that order are public records.~~
- 32 4. *The Board shall not issue a private reprimand to a holder*  
33 *of a certificate of registration or certificate to practice as a*  
34 *landscape architect intern.*
- 35 5. The Board may adopt regulations setting forth a schedule of  
36 fines for the purposes of paragraph (e) of subsection 1.
- 37 **Sec. 18.** Chapter 624 of NRS is hereby amended by adding  
38 thereto a new section to read as follows:
- 39 1. *Except as otherwise provided in this section, a complaint*  
40 *filed with the Board, all documents and other information filed*  
41 *with the complaint and all documents and other information*  
42 *compiled as a result of the investigation conducted to determine*  
43 *whether to initiate disciplinary action are confidential.*
- 44 2. *The complaint or other document filed by the Board to*  
45 *initiate disciplinary action and all documents and information*





1 *considered by the Board when determining whether to impose*  
2 *discipline are public records.*

3 **Sec. 19.** NRS 624.110 is hereby amended to read as follows:  
4 624.110 1. The Board may maintain offices in as many  
5 localities in the State as it finds necessary to carry out the provisions  
6 of this chapter, but it shall maintain one office in which there must  
7 be at all times open to public inspection a complete record of  
8 applications, licenses issued, licenses renewed and all revocations,  
9 cancellations and suspensions of licenses.

10 2. ~~[(Credit)]~~ *Except as otherwise required in section 18 of this*  
11 *act, credit* reports, references, ~~[investigative memoranda,]~~ financial  
12 information and data pertaining to a licensee’s net worth are  
13 confidential and not open to public inspection.

14 **Sec. 20.** NRS 624.291 is hereby amended to read as follows:  
15 624.291 1. Except as otherwise provided in subsection 4, if  
16 the Board suspends or revokes a license, has probable cause to  
17 believe that a person has violated NRS 624.720 or imposes an  
18 administrative fine pursuant to NRS 624.710, the Board shall hold a  
19 hearing. The time and place for the hearing must be fixed by the  
20 Board, and notice of the time and place of the hearing must be  
21 personally served on the applicant or accused or mailed to the last  
22 known address of the applicant or accused at least 21 days before  
23 the date fixed for the hearing.

24 2. The testimony taken pursuant to NRS 624.170 to 624.210,  
25 inclusive, must be considered a part of the record of the hearing  
26 before the Board.

27 3. ~~[(The)]~~ *Except as otherwise provided in section 8 of this act,*  
28 *the* hearing must be public if a request is made therefor.

29 4. The Board may suspend the license of a contractor without a  
30 hearing if the Board finds, based upon evidence in its possession,  
31 that the public health, safety or welfare imperatively requires  
32 summary suspension of the license of the contractor and  
33 incorporates that finding in its order. If the Board summarily  
34 suspends the license of the contractor, the Board must notify the  
35 contractor by certified mail. A hearing must be held within 60 days  
36 after the suspension if the contractor submits a written request for a  
37 hearing to the Board within 20 days after the Board summarily  
38 suspends his license.

39 **Sec. 21.** NRS 624.300 is hereby amended to read as follows:  
40 624.300 1. Except as otherwise provided in subsection 3, the  
41 Board may:

- 42 (a) Suspend or revoke licenses already issued;
- 43 (b) Refuse renewals of licenses;
- 44 (c) Impose limits on the field, scope and monetary limit of the  
45 license;



- 1 (d) Impose an administrative fine of not more than \$10,000;
- 2 (e) Order a licensee to repay to the account established pursuant
- 3 to NRS 624.470, any amount paid out of the account pursuant to
- 4 NRS 624.510 as a result of an act or omission of that licensee;
- 5 (f) Order the licensee to take action to correct a condition
- 6 resulting from an act which constitutes a cause for disciplinary
- 7 action, at the licensee's cost, that may consist of requiring the
- 8 licensee to:
- 9 (1) Perform the corrective work himself;
- 10 (2) Hire and pay another licensee to perform the corrective
- 11 work; or
- 12 (3) Pay to the owner of the construction project a specified
- 13 sum to correct the condition; or
- 14 (g) ~~Reprimand~~ *Issue a public reprimand* or take other less
- 15 severe disciplinary action, including, without limitation, increasing
- 16 the amount of the surety bond or cash deposit of the licensee,
- 17 if the licensee commits any act which constitutes a cause for
- 18 disciplinary action.
- 19 2. If the Board suspends or revokes the license of a contractor
- 20 for failure to establish financial responsibility, the Board may, in
- 21 addition to any other conditions for reinstating or renewing the
- 22 license, require that each contract undertaken by the licensee for a
- 23 period to be designated by the Board, not to exceed 12 months, be
- 24 separately covered by a bond or bonds approved by the Board and
- 25 conditioned upon the performance of and the payment of labor and
- 26 materials required by the contract.
- 27 3. If a licensee violates the provisions of NRS 624.3014 or
- 28 subsection 3 of NRS 624.3015, the Board may impose an
- 29 administrative fine of not more than \$20,000.
- 30 4. If a licensee commits a fraudulent act which is a cause for
- 31 disciplinary action under NRS 624.3016, the correction of any
- 32 condition resulting from the act does not preclude the Board from
- 33 taking disciplinary action.
- 34 5. If the Board finds that a licensee has engaged in repeated
- 35 acts that would be cause for disciplinary action, the correction of
- 36 any resulting conditions does not preclude the Board from taking
- 37 disciplinary action pursuant to this section.
- 38 6. The expiration of a license by operation of law or by order
- 39 or decision of the Board or a court, or the voluntary surrender of a
- 40 license by a licensee, does not deprive the Board of jurisdiction to
- 41 proceed with any investigation of, or action or disciplinary
- 42 proceeding against, the licensee or to render a decision suspending
- 43 or revoking the license.
- 44 7. ~~If discipline is imposed pursuant to this section, including~~
- 45 ~~any discipline imposed pursuant to a stipulated settlement, the costs~~



1 ~~of the proceeding, including investigative costs and attorney's fees,~~  
2 ~~may be recovered by the Board.]~~ *The Board shall not issue a*  
3 *private reprimand to a licensee.*

4 8. *An order that imposes discipline and the findings of fact*  
5 *and conclusions of law supporting that order are public records.*

6 9. All fines collected pursuant to this section must be deposited  
7 with the State Treasurer for credit to the Construction Education  
8 Account created pursuant to NRS 624.580.

9 **Sec. 22.** NRS 625.425 is hereby amended to read as follows:

10 625.425 1. Any information obtained during the course of an  
11 investigation by the Board and any record of an investigation is  
12 confidential . ~~[until the investigation is completed.]~~ If no  
13 disciplinary action is taken against a licensee, an applicant for  
14 licensure, an intern or an applicant for certification as an intern, or  
15 no civil penalty is imposed pursuant to NRS 625.590, the  
16 information in his investigative file remains confidential. ~~[If a~~  
17 ~~formal complaint is filed, all pleadings and evidence introduced at~~  
18 ~~the hearing]~~ *The complaint or other document filed by the Board*  
19 *to initiate disciplinary action and all documents and information*  
20 *considered by the Board when determining whether to impose*  
21 *discipline are public records.*

22 2. The provisions of this section do not prohibit the Board or  
23 its employees from communicating and cooperating with another  
24 licensing board or any other agency that is investigating a person.

25 **Sec. 23.** NRS 625.460 is hereby amended to read as follows:

26 625.460 1. If, after a hearing, a majority of the members of  
27 the Board present at the hearing vote in favor of finding the accused  
28 person guilty, the Board may:

29 ~~[1-] (a)~~ *Revoke the license of the professional engineer or*  
30 *professional land surveyor or deny a license to the applicant;*

31 ~~[2-] (b)~~ *Suspend the license of the professional engineer or*  
32 *professional land surveyor;*

33 ~~[3-] (c)~~ *Fine the licensee or applicant for licensure not more*  
34 *than \$15,000 for each violation of a provision of this chapter or any*  
35 *regulation adopted by the Board;*

36 ~~[4-] (d)~~ *Place the licensee or applicant for licensure on*  
37 *probation for such periods as it deems necessary and, if the Board*  
38 *deems appropriate, require the licensee or applicant for licensure to*  
39 *pay restitution to clients or other persons who have suffered*  
40 *economic losses as a result of a violation of the provisions of this*  
41 *chapter or the regulations adopted by the Board; or*

42 ~~[5-] (e)~~ *Take such other disciplinary action as the Board deems*  
43 *appropriate.*

44 2. *The Board shall not issue a private reprimand.*



1       **3. An order that imposes discipline and the findings of fact**  
2 **and conclusions of law supporting that order are public records.**

3       **Sec. 24.** Chapter 625A of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5       **1. Except as otherwise provided in this section, a complaint**  
6 **filed with the Board, all documents and other information filed**  
7 **with the complaint and all documents and other information**  
8 **compiled as a result of an investigation conducted to determine**  
9 **whether to initiate disciplinary action are confidential.**

10       **2. The complaint or other document filed by the Board to**  
11 **initiate disciplinary action and all documents and information**  
12 **considered by the Board when determining whether to impose**  
13 **discipline are public records.**

14       **Sec. 25.** NRS 625A.180 is hereby amended to read as follows:

15       625A.180 1. If the Board finds after a hearing, or after  
16 providing an opportunity for a hearing, that disciplinary action is  
17 necessary, it may by order:

18       (a) Place the environmental health specialist on probation for a  
19 specified period or until further order of the Board;

20       (b) Administer a public ~~for private~~ reprimand; or

21       (c) Suspend or revoke his certificate.

22       2. If the order places an environmental health specialist on  
23 probation, the Board may impose such limitations or conditions  
24 upon his professional activities as it finds consistent to protect the  
25 public health.

26       **3. The Board shall not administer a private reprimand.**

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

29       **Sec. 26.** Chapter 628 of NRS is hereby amended by adding  
30 thereto a new section to read as follows:

31       **1. Except as otherwise provided in this section, a complaint**  
32 **filed with the Board, all documents and other information filed**  
33 **with the complaint and all documents and other information**  
34 **compiled as a result of an investigation conducted to determine**  
35 **whether to initiate disciplinary action are confidential.**

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

40       **Sec. 27.** NRS 628.390 is hereby amended to read as follows:

41       628.390 1. After giving notice and conducting a hearing, the  
42 Board may revoke, or may suspend for a period of not more than 5  
43 years, any certificate issued under NRS 628.190 to 628.310,  
44 inclusive, any registration or license granted to a registered public  
45 accountant under NRS 628.350, or any registration of a partnership,



1 corporation, limited-liability company or office, or may revoke,  
2 suspend or refuse to renew any permit issued under NRS 628.380,  
3 or may *publicly* censure the holder of any permit, for any one or any  
4 combination of the following causes:

5 (a) Fraud or deceit in obtaining a certificate as a certified public  
6 accountant, or in obtaining registration or a license as a public  
7 accountant under this chapter, or in obtaining a permit to practice  
8 public accounting under this chapter.

9 (b) Dishonesty, fraud or gross negligence by a certified or  
10 registered public accountant in the practice of public accounting or,  
11 if not in the practice of public accounting, of a kind which adversely  
12 affects the ability to perform public accounting.

13 (c) Violation of any of the provisions of this chapter.

14 (d) Violation of a regulation or rule of professional conduct  
15 adopted by the Board under the authority granted by this chapter.

16 (e) Conviction of a felony under the laws of any state or of the  
17 United States.

18 (f) Conviction of any crime, an element of which is dishonesty  
19 or fraud, under the laws of any state or of the United States.

20 (g) Cancellation, revocation, suspension or refusal to renew  
21 authority to practice as a certified public accountant or a registered  
22 public accountant by any other state, for any cause other than failure  
23 to pay an annual registration fee or to comply with requirements for  
24 continuing education or review of his practice in the other state.

25 (h) Suspension or revocation of the right to practice before any  
26 state or federal agency.

27 (i) Unless the person has been placed on inactive or retired  
28 status, failure to obtain an annual permit under NRS 628.380,  
29 within:

30 (1) Sixty days after the expiration date of the permit to  
31 practice last obtained or renewed by the holder of a certificate or  
32 registrant; or

33 (2) Sixty days after the date upon which the holder of a  
34 certificate or registrant was granted his certificate or registration, if  
35 no permit was ever issued to him, unless the failure has been  
36 excused by the Board.

37 (j) Conduct discreditable to the profession of public accounting  
38 or which reflects adversely upon the fitness of the person to engage  
39 in the practice of public accounting.

40 (k) Making a false or misleading statement in support of an  
41 application for a certificate, registration or permit of another person.

42 2. After giving notice and conducting a hearing, the Board may  
43 deny an application to take the examination prescribed by the Board  
44 pursuant to NRS 628.190, deny a person admission to such an  
45 examination, invalidate a grade received for such an examination or



1 deny an application for a certificate issued pursuant to NRS 628.190  
2 to 628.310, inclusive, to a person who has:

3 (a) Made any false or fraudulent statement, or any misleading  
4 statement or omission relating to a material fact in an application:

5 (1) To take the examination prescribed by the Board pursuant  
6 to NRS 628.190; or

7 (2) For a certificate issued pursuant to NRS 628.190 to  
8 628.310, inclusive;

9 (b) Cheated on an examination prescribed by the Board pursuant  
10 to NRS 628.190 or any such examination taken in another state or  
11 jurisdiction of the United States;

12 (c) Aided, abetted or conspired with any person in a violation of  
13 the provisions of paragraph (a) or (b); or

14 (d) Committed any combination of the acts set forth in  
15 paragraphs (a), (b) and (c).

16 3. In addition to other penalties prescribed by this section, the  
17 Board may impose a civil penalty of not more than \$5,000 for each  
18 violation of this section.

19 4. The Board ~~may recover:~~

20 ~~—(a) Attorney's fees and costs incurred with respect to a hearing~~  
21 ~~held pursuant to this section from a person who is found in violation~~  
22 ~~of any of the provisions of this section;~~

23 ~~—(b) Attorney's fees and costs incurred in the recovery of a civil~~  
24 ~~penalty imposed pursuant to this section; and~~

25 ~~—(c) Any other costs incurred by the Board as a result of such a~~  
26 ~~violation.] shall not privately censure the holder of any permit,~~  
27 ~~license or certificate of registration.~~

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

30 **Sec. 28.** Chapter 630 of NRS is hereby amended by adding  
31 thereto the provisions set forth as sections 29 to 41, inclusive, of this  
32 act.

33 **Sec. 29. 1.** *The Board shall employ a person as the*  
34 *Executive Secretary of the Board.*

35 2. *The Executive Secretary serves as the chief administrative*  
36 *officer of the Board at a level of compensation set by the Board.*

37 3. *The Executive Secretary is an at-will employee who serves*  
38 *at the pleasure of the Board.*

39 **Sec. 30. 1.** *The Board may employ hearing officers,*  
40 *experts, administrators, attorneys, investigators, consultants and*  
41 *clerical personnel necessary to the discharge of its duties.*

42 2. *Each employee of the Board is an at-will employee who*  
43 *serves at the pleasure of the Board. The Board may discharge an*  
44 *employee of the Board for any reason that does not violate public*



1 *policy, including, without limitation, making a false representation*  
2 *to the Board.*

3 *3. A hearing officer employed by the Board shall not act in*  
4 *any other capacity for the Board or occupy any other position of*  
5 *employment with the Board, and the Board shall not assign the*  
6 *hearing officer any duties which are unrelated to the duties of a*  
7 *hearing officer.*

8 *4. If a person resigns his position as a hearing officer or the*  
9 *Board terminates the person from his position as a hearing*  
10 *officer, the Board may not rehire the person in any position of*  
11 *employment with the Board for a period of 2 years following the*  
12 *date of the resignation or termination. The provisions of this*  
13 *subsection do not give a person any right to be rehired by the*  
14 *Board and do not permit the Board to rehire a person who is*  
15 *prohibited from being employed by the Board pursuant to any*  
16 *other provision of law.*

17 **Sec. 31.** *1. Notwithstanding any other provision of law and*  
18 *except as otherwise provided in this section, the Board shall not*  
19 *adopt any regulations that prohibit or have the effect of*  
20 *prohibiting a physician, physician assistant or practitioner of*  
21 *respiratory care from collaborating or consulting with another*  
22 *provider of health care.*

23 *2. The provisions of this section do not prevent the Board*  
24 *from adopting regulations that prohibit a physician, physician*  
25 *assistant or practitioner of respiratory care from aiding or abetting*  
26 *another person in the unlicensed practice of medicine or the*  
27 *unlicensed practice of respiratory care.*

28 *3. As used in this section, "provider of health care" has the*  
29 *meaning ascribed to it in NRS 629.031.*

30 **Secs. 32 and 33.** (Deleted by amendment.)

31 **Sec. 34.** *1. In addition to the other requirements for*  
32 *licensure, an applicant for a license to practice medicine shall*  
33 *submit to the Board information describing:*

34 *(a) Any claims made against the applicant for malpractice,*  
35 *whether or not a civil action was filed concerning the claim;*

36 *(b) Any complaints filed against the applicant with a licensing*  
37 *board of another state and any disciplinary action taken against*  
38 *the applicant by a licensing board of another state; and*

39 *(c) Any complaints filed against the applicant with a hospital,*  
40 *clinic or medical facility or any disciplinary action taken against*  
41 *the applicant by a hospital, clinic or medical facility.*

42 *2. The Board shall not issue a license to the applicant until it*  
43 *has received all the information required by this section.*

44 **Sec. 35.** *In addition to the other requirements for licensure,*  
45 *an applicant for a license to practice medicine shall cause to be*



\* S B 2 5 0 R 2 \*

1 *submitted to the Board a certificate of completion of progressive*  
2 *postgraduate training from the residency program where the*  
3 *applicant received training.*

4 **Sec. 36. 1.** *If the Board has reason to believe that a person*  
5 *has violated, is violating or is about to violate any provision of this*  
6 *chapter, the Board may issue to the person a letter of warning, a*  
7 *letter of concern or a nonpunitive admonishment at any time*  
8 *before the Board has initiated any disciplinary proceedings*  
9 *against the person.*

10 **2.** *The issuance of such a letter or admonishment:*

11 *(a) Does not preclude the Board from initiating any*  
12 *disciplinary proceedings against the person or taking any*  
13 *disciplinary action against the person based on any conduct*  
14 *alleged or described in the letter or admonishment or any other*  
15 *conduct; and*

16 *(b) Does not constitute a final decision of the Board and is not*  
17 *subject to judicial review.*

18 **Sec. 37. 1.** *Each person who holds a license issued*  
19 *pursuant to this chapter and who accepts the privilege of*  
20 *practicing medicine or respiratory care within this state pursuant*  
21 *to the provisions of the license shall be deemed to have given his*  
22 *consent to the revocation of the license at any time by the Board in*  
23 *accordance with the provisions of this section.*

24 **2.** *The Board shall not revoke a license issued pursuant to*  
25 *this chapter unless the Board, by a majority vote of its entire*  
26 *membership, finds by clear and convincing evidence that the*  
27 *licensee committed a material violation of:*

28 *(a) Any provision of NRS 630.161 or 630.301 to 630.3067,*  
29 *inclusive; or*

30 *(b) Any condition, restriction or limitation imposed on the*  
31 *license.*

32 **Sec. 38.** *The expiration of a license by operation of law or by*  
33 *order or decision of the Board or a court, or the voluntary*  
34 *surrender of a license by a licensee, does not deprive the Board of*  
35 *jurisdiction to proceed with any investigation of, or action or*  
36 *disciplinary proceeding against, the licensee or to render a*  
37 *decision suspending or revoking the license.*

38 **Sec. 39. 1.** *A physician shall report to the Board:*

39 *(a) Any action for malpractice against the physician not later*  
40 *than 45 days after the physician receives service of a summons*  
41 *and complaint for the action;*

42 *(b) Any claim for malpractice against the physician that is*  
43 *submitted to arbitration or mediation not later than 45 days after*  
44 *the claim is submitted to arbitration or mediation;*





1 (c) Any settlement, award, judgment or other disposition of  
2 any action or claim described in paragraph (a) or (b) not later  
3 than 45 days after the settlement, award, judgment or other  
4 disposition; and

5 (d) Any sanctions imposed against the physician that are  
6 reportable to the National Practitioner Data Bank not later than  
7 45 days after the sanctions are imposed.

8 2. If the Board finds that a physician has violated any  
9 provision of this section, the Board may impose a fine of not more  
10 than \$5,000 against the physician for each violation, in addition to  
11 any other fines or penalties permitted by law.

12 3. All reports made by a physician pursuant to this section are  
13 public records.

14 **Sec. 40.** If the Board receives a report pursuant to the  
15 provisions of NRS 630.3067, 690B.045, 690B.050 or section 39 of  
16 this act indicating that a judgment has been rendered or an award  
17 has been made against a physician regarding an action or claim  
18 for malpractice or that such an action or claim against the  
19 physician has been resolved by settlement, the Board shall conduct  
20 an investigation to determine whether to impose disciplinary  
21 action against the physician regarding the action or claim, unless  
22 the Board has already commenced or completed such an  
23 investigation regarding the action or claim before it receives the  
24 report.

25 **Sec. 41.** 1. In addition to any other audits required of the  
26 Board by law, the Legislative Commission shall issue to the  
27 Federation of State Medical Boards of the United States, Inc., a  
28 request for proposal to conduct regular performance audits of the  
29 Board. After considering the response to the request for proposal,  
30 if the Legislative Commission finds that the Federation of State  
31 Medical Boards of the United States, Inc., has the ability to  
32 conduct fair and impartial performance audits of the Board, the  
33 Legislative Commission shall engage the services of the  
34 Federation of State Medical Boards of the United States, Inc., to  
35 conduct regular performance audits of the Board. If the  
36 Legislative Commission finds that the Federation of State Medical  
37 Boards of the United States, Inc., does not have the ability to  
38 conduct fair and impartial performance audits of the Board or is  
39 otherwise unable to conduct such performance audits, the  
40 Legislative Commission shall direct the Audit Division of the  
41 Legislative Counsel Bureau to conduct regular performance  
42 audits of the Board.

43 2. The initial performance audit of the Board must be  
44 commenced before October 1, 2003. After the initial performance



1 *audit is completed, additional performance audits must be*  
2 *conducted:*

- 3 (a) *Once every 8 years, for the preceding 8-year period; or*
- 4 (b) *Whenever ordered by the Legislative Commission, for the*  
5 *period since the last performance audit was conducted pursuant to*  
6 *this section.*

7 3. *A written report of the results of the initial performance*  
8 *audit must be submitted to the Secretary of the Legislative*  
9 *Commission not later than 60 days after the date that the initial*  
10 *performance audit is commenced. A written report of the results of*  
11 *each subsequent performance audit must be submitted to the*  
12 *Secretary of the Legislative Commission as soon as practicable*  
13 *after the date that the performance audit is commenced.*

14 4. *Upon receipt of the written report of the results of each*  
15 *performance audit, the Secretary of the Legislative Commission*  
16 *shall:*

17 (a) *Distribute the report to the members of the Legislative*  
18 *Commission and to any other Legislator who requests a copy of*  
19 *the report; and*

20 (b) *Not later than 30 days after receipt of the report, make the*  
21 *report available to the public.*

22 5. *The Board shall pay all costs related to each performance*  
23 *audit conducted pursuant to this section.*

24 6. *Any person who conducts a performance audit pursuant to*  
25 *this section:*

26 (a) *Is directly responsible to the Legislative Commission;*

27 (b) *Must be sufficiently qualified to conduct the performance*  
28 *audit; and*

29 (c) *Must never have conducted an audit of the Board pursuant*  
30 *to NRS 218.825 or have been affiliated, in any way, with a person*  
31 *who has conducted an audit of the Board pursuant to NRS*  
32 *218.825.*

33 7. *Each performance audit conducted pursuant to this section*  
34 *must include, without limitation, a comprehensive review and*  
35 *evaluation of:*

36 (a) *The methodology and efficiency of the Board in*  
37 *responding to complaints filed by the public against a licensee;*

38 (b) *The methodology and efficiency of the Board in*  
39 *responding to complaints filed by a licensee against another*  
40 *licensee;*

41 (c) *The methodology and efficiency of the Board in conducting*  
42 *investigations of licensees who have had two or more malpractice*  
43 *claims filed against them within a period of 12 months;*

44 (d) *The methodology and efficiency of the Board in*  
45 *conducting investigations of licensees who have been subject to*



1 *one or more peer review actions at a medical facility that resulted*  
2 *in the licensee losing his professional privileges at the medical*  
3 *facility for more than 30 days within a period of 12 months;*

4 *(e) The methodology and efficiency of the Board in taking*  
5 *preventative steps or progressive actions to remedy or deter any*  
6 *unprofessional conduct by a licensee before such conduct results*  
7 *in a violation under this chapter that warrants disciplinary action;*  
8 *and*

9 *(f) The managerial and administrative efficiency of the Board*  
10 *in using the fees that it collects pursuant to this chapter.*

11 **Sec. 42.** NRS 630.003 is hereby amended to read as follows:

12 630.003 **1.** The Legislature finds and declares that ~~it~~:

13 *(a) It is among the responsibilities of State Government to*  
14 *ensure, as far as possible, that only competent persons practice*  
15 *medicine and respiratory care within this state ~~[-For this purpose.];~~*

16 *(b) For the protection and benefit of the public, the Legislature*  
17 *delegates to the Board of Medical Examiners the ~~power and~~ duty ~~of~~*  
18 *~~determining~~ to determine the initial and continuing competence of*  
19 *~~doctors of medicine,~~ physicians, physician assistants and*  
20 *practitioners of respiratory care ~~in this state,~~ who are subject to*  
21 *the provisions of this chapter;*

22 *(c) The Board must exercise its regulatory power to ensure*  
23 *that the interests of the medical profession do not outweigh the*  
24 *interests of the public;*

25 *(d) The Board must ensure that unfit physicians, physician*  
26 *assistants and practitioners of respiratory care are removed from*  
27 *the medical profession so that they will not cause harm to the*  
28 *public; and*

29 *(e) The Board must encourage and allow for public input into*  
30 *its regulatory activities to further improve the quality of medical*  
31 *practice within this state.*

32 **2.** The powers conferred upon the Board by this chapter must  
33 be liberally construed to carry out ~~this purpose.~~ *these purposes for*  
34 *the protection and benefit of the public.*

35 **Sec. 43.** NRS 630.020 is hereby amended to read as follows:

36 630.020 "Practice of medicine" means:

37 1. To diagnose, treat, correct, prevent or prescribe for any  
38 human disease, ailment, injury, infirmity, deformity or other  
39 condition, physical or mental, by any means or instrumentality.

40 2. To apply principles or techniques of medical science in the  
41 diagnosis or the prevention of any such conditions.

42 3. To perform any of the acts described in subsections 1 and 2  
43 by using equipment that transfers information concerning the  
44 medical condition of the patient electronically, telephonically or by  
45 fiber optics.



1 4. To offer, undertake, attempt to do or hold oneself out as able  
2 to do any of the acts described in subsections 1 and 2.

3 ~~[5. To use in connection with a person's name the words or~~  
4 ~~letters "M.D.," or any other title, word, letter or other designation~~  
5 ~~intended to imply or designate him as a practitioner of medicine in~~  
6 ~~any of its branches, except in the manner authorized by NRS~~  
7 ~~630A.220.]~~

8 **Sec. 44.** NRS 630.045 is hereby amended to read as follows:  
9 630.045 **1.** The purpose of licensing physicians, physician  
10 assistants and practitioners of respiratory care is to protect the public  
11 health and safety and the general welfare of the people of this state.

12 **2.** Any license issued pursuant to this chapter is a revocable  
13 privilege ~~[and no holder of]~~ , *but the Board may revoke* such a  
14 license ~~[acquires thereby any vested right.]~~ *only in accordance with*  
15 *the provisions of section 37 of this act.*

16 **Sec. 45.** NRS 630.060 is hereby amended to read as follows:

17 630.060 **1.** Six members of the Board must be persons who  
18 are licensed to practice medicine in this state, are actually engaged  
19 in the practice of medicine in this state and have resided and  
20 practiced medicine in this state for at least 5 years preceding their  
21 respective appointments.

22 **2.** The remaining members must be persons who have resided  
23 in this state for at least 5 years and who:

- 24 (a) Are not licensed in any state to practice any healing art;
- 25 (b) Are not actively engaged in the administration of any facility  
26 for the dependent as defined in chapter 449 of NRS, medical facility  
27 or medical school; and
- 28 (c) Do not have a pecuniary interest in any matter pertaining to  
29 the healing arts, except as a patient or potential patient.

30 **3.** The members of the Board must be selected without regard  
31 to their individual political beliefs.

32 **4.** The *President of the* Board shall conduct *a* training  
33 ~~[programs]~~ *program* to assist new members of the Board in the  
34 performance of their duties.

35 **Sec. 46.** NRS 630.100 is hereby amended to read as follows:

36 630.100 **1.** The Board shall meet at least twice annually and  
37 may meet at other times on the call of the President or a majority of  
38 its members.

39 **2.** *Meetings of the Board must be held at a location at which*  
40 *members of the general public may testify via telephone or video*  
41 *conference between Las Vegas and Carson City or Reno.*

42 **3.** A majority of the Board, or of any committee or panel  
43 appointed by the Board constitutes a quorum. If there is a quorum, a  
44 vote of the majority of the members present is all that is necessary to



1 transact any business before the Board or the committee or panel  
2 appointed by the Board.

3 **Sec. 47.** NRS 630.125 is hereby amended to read as follows:  
4 630.125 The Board may ~~f:~~

5 ~~1. Maintain~~ *maintain* offices in as many localities in the State  
6 as it finds necessary to carry out the provisions of this chapter.

7 ~~{2. Employ hearing officers, experts, administrators, attorneys,  
8 investigators, consultants and clerical personnel necessary to the  
9 discharge of its duties.}~~

10 **Sec. 48.** NRS 630.130 is hereby amended to read as follows:

11 630.130 1. In addition to the other powers and duties  
12 provided in this chapter, the Board shall ~~{}~~, *in the interest of the  
13 public, judiciously:*

- 14 (a) Enforce the provisions of this chapter;
- 15 (b) Establish by regulation standards for licensure under this  
16 chapter;
- 17 (c) Conduct examinations for licensure and establish a system of  
18 scoring for those examinations;
- 19 (d) Investigate the character of each applicant for a license and  
20 issue licenses to those applicants who meet the qualifications set by  
21 this chapter and the Board; and
- 22 (e) Institute a proceeding in any court to enforce its orders or the  
23 provisions of this chapter.

24 2. On or before February 15 of each odd-numbered year, the  
25 board shall submit to the Governor and to the Director of the  
26 Legislative Counsel Bureau for transmittal to the next regular  
27 session of the Legislature a written report compiling:

- 28 (a) Disciplinary action taken by the Board during the previous  
29 biennium against physicians for malpractice or negligence; and
- 30 (b) Information reported to the Board during the previous  
31 biennium pursuant to NRS 630.3067, subsections 2 and 3 of NRS  
32 630.307 and NRS 690B.045 ~~{}~~ *and 690B.050 and section 39 of this  
33 act.*

34 The report must include only aggregate information for statistical  
35 purposes and exclude any identifying information related to a  
36 particular person.

37 3. The Board may adopt such regulations as are necessary or  
38 desirable to enable it to carry out the provisions of this chapter.

39 **Secs. 49 and 50.** (Deleted by amendment.)

40 **Sec. 51.** NRS 630.261 is hereby amended to read as follows:

41 630.261 1. Except as otherwise provided in NRS 630.161,  
42 the Board may issue:

- 43 (a) A locum tenens license, to be effective not more than 3  
44 months after issuance, to any physician who is licensed and in good  
45 standing in another state, who meets the requirements for licensure



1 in this state and who is of good moral character and reputation. The  
2 purpose of this license is to enable an eligible physician to serve as a  
3 substitute for another physician who is licensed to practice medicine  
4 in this state and who is absent from his practice for reasons deemed  
5 sufficient by the Board. A license issued pursuant to the provisions  
6 of this paragraph is not renewable.

7 (b) A special license to a licensed physician of another state to  
8 come into this state to care for or assist in the treatment of his own  
9 patient in association with a physician licensed in this state. A  
10 special license issued pursuant to the provisions of this paragraph is  
11 limited to the care of a specific patient. The physician licensed in  
12 this state has the primary responsibility for the care of that patient.

13 (c) A restricted license for a specified period if the Board  
14 determines the applicant needs supervision or restriction.

15 (d) A temporary license for a specified period if the physician is  
16 licensed and in good standing in another state and meets the  
17 requirements for licensure in this state, and if the Board determines  
18 that it is necessary in order to provide medical services for a  
19 community without adequate medical care. A temporary license  
20 issued pursuant to the provisions of this paragraph is not renewable.

21 (e) A special purpose license to a physician who is licensed in  
22 another state to permit the use of equipment that transfers  
23 information concerning the medical condition of a patient in this  
24 state across state lines electronically, telephonically or by fiber  
25 optics if the physician:

26 (1) Holds a full and unrestricted license to practice medicine  
27 in that state;

28 (2) Has not had any disciplinary or other action taken against  
29 him by any state or other jurisdiction; and

30 (3) Meets the requirement set forth in paragraph (d) of  
31 subsection 2 of NRS 630.160.

32 2. Except as otherwise provided in this section, the Board may  
33 renew or modify any license issued pursuant to subsection 1.

34 ~~[3.—Every physician who is licensed pursuant to subsection 1  
35 and who accepts the privilege of practicing medicine in this state  
36 pursuant to the provisions of the license shall be deemed to have  
37 given his consent to the revocation of the license at any time by the  
38 Board for any of the grounds provided in NRS 630.161 or 630.301  
39 to 630.3065, inclusive.]~~

40 **Sec. 52.** NRS 630.301 is hereby amended to read as follows:

41 630.301 The following acts, among others, constitute grounds  
42 for initiating disciplinary action or denying licensure:

43 1. Conviction of a felony . ~~[, any offense involving moral  
44 turpitude or any offense relating to the practice of medicine or the~~



1 ~~ability to practice medicine.~~ A plea of nolo contendere is a  
2 conviction for the purposes of this subsection.

3 2. Conviction of violating any of the provisions of NRS  
4 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 ~~§~~ or  
5 616D.350 to 616D.440, inclusive.

6 3. The revocation, suspension, modification or limitation of the  
7 license to practice any type of medicine by any other jurisdiction or  
8 the surrender of the license or discontinuing the practice of medicine  
9 while under investigation by any licensing authority, a medical  
10 facility, a branch of the Armed Services of the United States, an  
11 insurance company, an agency of the Federal Government or an  
12 employer.

13 4. Malpractice, which may be evidenced by claims settled  
14 against a practitioner ~~§~~, *but only if such malpractice is*  
15 *established by clear and convincing evidence.*

16 5. The engaging by a practitioner in any sexual activity with a  
17 patient who is currently being treated by the practitioner.

18 6. Disruptive behavior with physicians, hospital personnel,  
19 patients, members of the families of patients or any other persons if  
20 the behavior interferes with patient care or has an adverse impact on  
21 the quality of care rendered to a patient.

22 7. The engaging in conduct that violates the trust of a patient  
23 and exploits the relationship between the physician and the patient  
24 for financial or other personal gain.

25 8. The failure to offer appropriate procedures or studies, to  
26 protest inappropriate denials by organizations for managed care, to  
27 provide necessary services or to refer a patient to an appropriate  
28 provider, when such a failure occurs with the intent of positively  
29 influencing the financial well-being of the practitioner or an insurer.

30 9. The engaging in conduct that brings the medical profession  
31 into disrepute, including, without limitation, conduct that violates  
32 any provision of a national code of ethics adopted by the Board by  
33 regulation.

34 10. The engaging in sexual contact with the surrogate of a  
35 patient or other key persons related to a patient, including, without  
36 limitation, a spouse, parent or legal guardian, which exploits the  
37 relationship between the physician and the patient in a sexual  
38 manner.

39 **Sec. 53.** NRS 630.3062 is hereby amended to read as follows:  
40 630.3062 The following acts, among others, constitute grounds  
41 for initiating disciplinary action or denying licensure:

42 1. Failure to maintain timely, legible, accurate and complete  
43 medical records relating to the diagnosis, treatment and care of a  
44 patient.

45 2. Altering medical records of a patient.



1 3. Making or filing a report which the licensee knows to be  
2 false, failing to file a record or report as required by law or willfully  
3 obstructing or inducing another to obstruct such filing.

4 4. Failure to make the medical records of a patient available for  
5 inspection and copying as provided in NRS 629.061.

6 5. Failure to comply with the requirements of ~~NRS 630.3067.~~  
7 *section 39 of this act.*

8 6. Failure to report any person the licensee knows, or has  
9 reason to know, is in violation of the provisions of this chapter or  
10 the regulations of the Board.

11 **Sec. 54.** NRS 630.3067 is hereby amended to read as follows:

12 630.3067 1. The insurer of a physician licensed under this  
13 chapter ~~[and the physician must]~~ *shall* report to the Board ~~[any~~  
14 ~~action filed or claim]~~ :

15 *(a) Any action for malpractice against the physician not later*  
16 *than 45 days after the physician receives service of a summons*  
17 *and complaint for the action;*

18 *(b) Any claim for malpractice against the physician that is*  
19 *submitted to arbitration or mediation ~~[for malpractice or negligence~~*  
20 *~~against the physician and the]~~ not later than 45 days after the claim*  
21 *is submitted to arbitration or mediation; and*

22 *(c) Any settlement, award, judgment or other disposition of ~~[the]~~*  
23 *any action or claim ~~[within 30 days after:~~*

24 ~~*(a) The action was filed or the claim was submitted to*~~  
25 ~~*arbitration or mediation; and*~~

26 ~~*(b) The disposition of the action or claim.] described in*~~  
27 ~~*paragraph (a) or (b) not later than 45 days after the settlement,*~~  
28 ~~*award, judgment or other disposition.*~~

29 2. The Board shall report any failure to comply with subsection  
30 1 by an insurer licensed in this state to the Division of Insurance of  
31 the Department of Business and Industry. If, after a hearing, the  
32 Division of Insurance determines that any such insurer failed to  
33 comply with the requirements of subsection 1, the Division may  
34 impose an administrative fine of not more than \$10,000 against the  
35 insurer for each such failure to report. If the administrative fine is  
36 not paid when due, the fine must be recovered in a civil action  
37 brought by the Attorney General on behalf of the Division.

38 **Sec. 55.** NRS 630.318 is hereby amended to read as follows:

39 630.318 1. If the Board or any investigative committee of the  
40 Board has reason to believe that the conduct of any physician has  
41 raised a reasonable question as to his competence to practice  
42 medicine with reasonable skill and safety to patients, *or if the Board*  
43 *has received a report pursuant to the provisions of NRS 630.3067,*  
44 *690B.045, 690B.050 or section 39 of this act indicating that a*  
45 *judgment has been rendered or an award has been made against a*





1 *physician regarding an action or claim for malpractice or that*  
2 *such an action or claim against the physician has been resolved by*  
3 *settlement,* it may order that the physician undergo a mental or  
4 physical examination or an examination testing his competence to  
5 practice medicine by physicians or other examinations designated  
6 by the Board to assist the Board or committee in determining the  
7 fitness of the physician to practice medicine.

8 2. For the purposes of this section:

9 (a) Every physician who applies for a license or who is licensed  
10 under this chapter shall be deemed to have given his consent to  
11 submit to a mental or physical examination or an examination  
12 testing his competence to practice medicine when ordered to do so  
13 in writing by the Board.

14 (b) The testimony or reports of the examining physicians are not  
15 privileged communications.

16 3. Except in extraordinary circumstances, as determined by the  
17 Board, the failure of a physician licensed under this chapter to  
18 submit to an examination when directed as provided in this section  
19 constitutes an admission of the charges against him.

20 **Sec. 56.** NRS 630.333 is hereby amended to read as follows:

21 630.333 1. In addition to any other remedy provided by law,  
22 the Board, through its President or Secretary-Treasurer or the  
23 Attorney General, may apply to any court of competent jurisdiction:

24 (a) To enjoin any prohibited act or other conduct of a licensee  
25 which is harmful to the public;

26 (b) To enjoin any person who is not licensed under this chapter  
27 from practicing medicine or respiratory care;

28 (c) To limit the practice of a physician, physician assistant or  
29 practitioner of respiratory care, or suspend his license to practice; or

30 (d) To enjoin the use of the title ~~["M.D.,"]~~ "P.A.," "P.A.-C,"  
31 "R.C.P." or any other word, combination of letters or other  
32 designation intended to imply or designate a person as a ~~physician,~~  
33 physician assistant or practitioner of respiratory care, when not  
34 licensed by the Board pursuant to this chapter, unless the use is  
35 otherwise authorized by a specific statute.

36 2. The court in a proper case may issue a temporary restraining  
37 order or a preliminary injunction for the purposes set forth in  
38 subsection 1:

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

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

42 (c) Pending proceedings for disciplinary action by the Board.

43 **Sec. 57.** NRS 630.336 is hereby amended to read as follows:

44 630.336 1. ~~Any proceeding of a committee of the Board~~  
45 ~~investigating complaints is not subject to the requirements of NRS~~



1 ~~241.020, unless the licensee under investigation requests that the~~  
2 ~~proceeding be subject to those requirements.]~~ Any deliberations  
3 conducted or vote taken by ~~[-~~  
4 ~~—(a) The Board or panel regarding its decision; or~~  
5 ~~—(b) The] *the*~~ Board or any investigative committee of the Board  
6 regarding its ordering of a physician, physician assistant or  
7 practitioner of respiratory care to undergo a physical or mental  
8 examination or any other examination designated to assist the Board  
9 or committee in determining the fitness of a physician, physician  
10 assistant or practitioner of respiratory care ~~[-]~~ are not subject to the  
11 requirements of NRS 241.020.

12 2. Except as otherwise provided in subsection 3 ~~[-]~~ *or 4*, all  
13 applications for a license to practice medicine or respiratory care,  
14 any charges filed by the Board, financial records of the Board,  
15 formal hearings on any charges heard by the Board or a panel  
16 selected by the Board, records of such hearings and any order or  
17 decision of the Board or panel must be open to the public.

18 3. ~~[-~~ *Except as otherwise provided in NRS 630.352 and 630.368;*  
19 ~~the] *The*~~ following may be kept confidential:  
20 (a) Any statement, evidence, credential or other proof submitted  
21 in support of or to verify the contents of an application;  
22 (b) ~~[-~~ *All investigations and records of investigations;*  
23 ~~—(c)]~~ Any report concerning the fitness of any person to receive  
24 or hold a license to practice medicine or respiratory care;  
25 ~~[-~~ *(d)] and*  
26 (c) Any communication between:  
27 (1) The Board and any of its committees or panels; and  
28 (2) The Board or its staff, investigators, experts, committees,  
29 panels, hearing officers, advisory members or consultants and  
30 counsel for the ~~[-~~ *Board; and*  
31 ~~—(e) Any other information or records in the possession of the]~~  
32 Board.

33 4. *Except as otherwise provided in subsection 5, a complaint*  
34 *filed with the Board pursuant to NRS 630.307, all documents and*  
35 *other information filed with the complaint and all documents and*  
36 *other information compiled as a result of an investigation*  
37 *conducted to determine whether to initiate disciplinary action are*  
38 *confidential.*

39 5. *The complaint or other document filed by the Board to*  
40 *initiate disciplinary action and all documents and information*  
41 *considered by the Board when determining whether to impose*  
42 *discipline are public records.*

43 6. This section does not prevent or prohibit the Board from  
44 communicating or cooperating with any other licensing board or  
45 agency or any agency which is investigating a licensee, including a



1 law enforcement agency. Such cooperation may include, without  
2 limitation, providing the board or agency with minutes of a closed  
3 meeting, transcripts of oral examinations and the results of oral  
4 examinations.

5 **Sec. 58.** NRS 630.352 is hereby amended to read as follows:

6 630.352 1. Any member of the Board, except for an advisory  
7 member serving on a panel of the Board hearing charges, may  
8 participate in the final order of the Board. If the Board, after a  
9 formal hearing, determines from a preponderance of the evidence  
10 *or, when the issue is the revocation of the license, by clear and*  
11 *convincing evidence* that a violation of the provisions of this  
12 chapter or of the regulations of the Board has occurred, it shall issue  
13 and serve on the physician charged an order, in writing, containing  
14 its findings and any sanctions.

15 2. If the Board determines that no violation has occurred, it  
16 shall dismiss the charges, in writing, and notify the physician that  
17 the charges have been dismissed. If the disciplinary proceedings  
18 were instituted against the physician as a result of a complaint filed  
19 against him, the Board may provide the physician with a copy of the  
20 complaint.

21 3. Except as otherwise provided in subsection 4, if the Board  
22 finds that a violation has occurred, it ~~may~~ *shall* by order ~~take~~  
23 *one or more of the following actions:*

24 (a) Place the person on probation for a specified period on any  
25 of the conditions specified in the order;

26 (b) Administer to him a public reprimand;

27 (c) Limit his practice or exclude one or more specified branches  
28 of medicine from his practice;

29 (d) Suspend his license for a specified period or until further  
30 order of the Board;

31 (e) Revoke his license to practice medicine ~~and~~ *, but only in*  
32 *accordance with the provisions of section 37 of this act;*

33 (f) Require him to participate in a program to correct alcohol or  
34 drug dependence or any other impairment;

35 (g) Require supervision of his practice;

36 (h) Impose a fine not to exceed \$5,000;

37 (i) Require him to perform community service without  
38 compensation;

39 (j) Require him to take a physical or mental examination or an  
40 examination testing his competence; *and*

41 (k) Require him to fulfill certain training or educational  
42 requirements. ~~and~~

43 ~~—(l) Require him to pay all costs incurred by the Board relating to~~  
44 ~~his disciplinary proceedings.]~~



1 4. If the Board finds that the physician has violated the  
2 provisions of NRS 439B.425, the Board shall suspend his license for  
3 a specified period or until further order of the Board.

4 *5. The Board shall not administer a private reprimand if the  
5 Board finds that a violation has occurred.*

6 *6. An order that imposes discipline and the findings of fact  
7 and conclusions of law supporting that order are public records.*

8 **Sec. 59.** NRS 630.400 is hereby amended to read as follows:  
9 630.400 A person who:

10 1. Presents to the Board as his own the diploma, license or  
11 credentials of another;

12 2. Gives either false or forged evidence of any kind to the  
13 Board;

14 3. Practices medicine or respiratory care under a false or  
15 assumed name or falsely personates another licensee;

16 4. Except as otherwise provided by specific statute, practices  
17 medicine or respiratory care without being licensed under this  
18 chapter;

19 5. Holds himself out as a physician assistant or uses any other  
20 term indicating or implying that he is a physician assistant without  
21 being licensed by the Board; *or*

22 6. Holds himself out as a practitioner of respiratory care or uses  
23 any other term indicating or implying that he is a practitioner of  
24 respiratory care without being licensed by the Board, ~~;~~ ~~or~~

25 ~~—7. Uses the title “M.D.”;~~

26 ~~—(a) Without having been awarded such a degree; or~~

27 ~~—(b) When not authorized by a specific statute,]~~

28 is guilty of a category D felony and shall be punished as provided in  
29 NRS 193.130.

30 **Sec. 60.** NRS 630A.510 is hereby amended to read as follows:

31 630A.510 1. Any member of the Board who was not a  
32 member of the investigative committee, if one was appointed, may  
33 participate in the final order of the Board. If the Board, after a  
34 formal hearing, determines that a violation of the provisions of this  
35 chapter or the regulations adopted by the Board has occurred, it  
36 shall issue and serve on the person charged an order, in writing,  
37 containing its findings and any sanctions imposed by the Board. If  
38 the Board determines that no violation has occurred, it shall dismiss  
39 the charges, in writing, and notify the person that the charges have  
40 been dismissed.

41 2. If the Board finds that a violation has occurred, it may by  
42 order:

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

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



- 1 (c) Limit the practice of the person or exclude a method of
- 2 treatment from the scope of his practice.
- 3 (d) Suspend the license of the person for a specified period or
- 4 until further order of the Board.
- 5 (e) Revoke the license of the person to practice homeopathic
- 6 medicine.
- 7 (f) Require the person to participate in a program to correct a
- 8 dependence upon alcohol or a controlled substance, or any other
- 9 impairment.
- 10 (g) Require supervision of the person's practice.
- 11 (h) Impose an administrative fine not to exceed \$10,000.
- 12 (i) Require the person to perform community service without
- 13 compensation.
- 14 (j) Require the person to take a physical or mental examination
- 15 or an examination of his competence to practice homeopathic
- 16 medicine.
- 17 (k) Require the person to fulfill certain training or educational
- 18 requirements.

19 ~~[(l) Require the person to pay the costs of the investigation and~~  
20 ~~hearing.]~~

21 **3. The Board shall not administer a private reprimand.**

22 **4. An order that imposes discipline and the findings of fact**  
23 **and conclusions of law supporting that order are public records.**

24 **Sec. 61.** NRS 630A.555 is hereby amended to read as follows:

25 630A.555 1. Except as otherwise provided in ~~[subsection 2,]~~  
26 **this section**, any records or information obtained during an  
27 investigation by the Board and any record of the investigation are  
28 confidential . ~~[until the investigation is completed. Upon completion~~  
29 ~~of the investigation, the information and records are public records~~  
30 ~~if:~~

31 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
32 ~~investigation; or~~

33 ~~—(b) The person regarding whom the investigation was made~~  
34 ~~submits a written request to the Board asking that the information~~  
35 ~~and records be made public records.]~~

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

40 3. **The** Board may provide any record or information described  
41 in subsection 1 to any other licensing board or agency, including a  
42 law enforcement agency, which is investigating a person who is  
43 licensed pursuant to this chapter.



1       **Sec. 62.** NRS 631.350 is hereby amended to read as follows:  
2       631.350 1. Except as otherwise provided in NRS 631.271  
3 and 631.347, the Board may:  
4       (a) Refuse to issue a license to any person;  
5       (b) Revoke or suspend the license or renewal certificate issued  
6 by it to any person;  
7       (c) Fine a person it has licensed;  
8       (d) Place a person on probation for a specified period on any  
9 conditions the Board may order;  
10       (e) Issue a public reprimand to a person;  
11       (f) Limit a person's practice to certain branches of dentistry;  
12       (g) Require a person to participate in a program to correct  
13 alcohol or drug abuse or any other impairment;  
14       (h) Require that a person's practice be supervised;  
15       (i) Require a person to perform community service without  
16 compensation;  
17       (j) Require a person to take a physical or mental examination or  
18 an examination of his competence;  
19       (k) Require a person to fulfill certain training or educational  
20 requirements;  
21       (l) Require a person to reimburse a patient; or  
22       (m) Any combination thereof,  
23 upon proof satisfactory to the Board that the person has engaged in  
24 any of the activities listed in subsection 2.  
25       2. The following activities may be punished as provided in  
26 subsection 1:  
27       (a) Engaging in the illegal practice of dentistry or dental  
28 hygiene;  
29       (b) Engaging in unprofessional conduct; or  
30       (c) Violating any regulations adopted by the Board or the  
31 provisions of this chapter.  
32       3. The Board may delegate to a hearing officer or panel its  
33 authority to take any disciplinary action pursuant to this chapter,  
34 impose and collect fines therefor and deposit the money therefrom  
35 in banks, credit unions or savings and loan associations in this state.  
36       4. If a hearing officer or panel is not authorized to take  
37 disciplinary action pursuant to subsection 3 and the Board deposits  
38 the money collected from the imposition of fines with the State  
39 Treasurer for credit to the State General Fund, it may present a  
40 claim to the State Board of Examiners for recommendation to the  
41 Interim Finance Committee if money is needed to pay attorney's  
42 fees or the costs of an investigation, or both.  
43       5. *The Board shall not administer a private reprimand.*  
44       6. *An order that imposes discipline and the findings of fact*  
45 *and conclusions of law supporting that order are public records.*



1     **Sec. 63.** NRS 631.368 is hereby amended to read as follows:

2     631.368 1. Except as otherwise provided in ~~[subsection 2,]~~  
3 *this section*, any records or information obtained during the course  
4 of an investigation by the Board and any record of the investigation  
5 are confidential . ~~[until the investigation is completed. Upon~~  
6 ~~completion of the investigation the information and records are~~  
7 ~~public records, only if:~~

8 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
9 ~~investigation; or~~

10 ~~—(b) The person regarding whom the investigation was made~~  
11 ~~submits a written request to the Board asking that the information~~  
12 ~~and records be made public records.]~~

13     2. The *complaint or other document filed by the Board to*  
14 *initiate disciplinary action and all documents and information*  
15 *considered by the Board when determining whether to impose*  
16 *discipline are public records.*

17     3. *The* Board may provide any record or information described  
18 in subsection 1 to any other licensing board or agency or any agency  
19 which is investigating a person licensed pursuant to this chapter,  
20 including a law enforcement agency.

21     **Sec. 64.** NRS 632.325 is hereby amended to read as follows:

22     632.325 1. If the Board determines that a licensee or holder  
23 of a certificate has committed any of the acts set forth in NRS  
24 632.320, it may take any one or more of the following disciplinary  
25 actions:

26     (a) Place conditions, limitations or restrictions on his license or  
27 certificate.

28     (b) Impose and collect an administrative fine of not more than  
29 \$5,000.

30     (c) ~~[Require the licensee or holder of a certificate to pay all costs~~  
31 ~~incurred by the Board relating to the discipline of the licensee or~~  
32 ~~holder of a certificate.~~

33 ~~—(d) Reprimand]~~ *Publicly reprimand* the licensee or holder of a  
34 certificate.

35 ~~[(e)]~~ (d) Accept the voluntary surrender of a license or  
36 certificate in lieu of imposing any other disciplinary action set forth  
37 in this subsection.

38     2. If the Board determines that:

39     (a) A person whose license or certificate is suspended or  
40 voluntarily surrendered, or has been placed on an inactive list  
41 pursuant to NRS 632.341, has committed, during the period his  
42 license or certificate was valid, inactive or would have been valid if  
43 not for the suspension or surrender; or

44     (b) An applicant for the renewal or reinstatement of a license or  
45 certificate has committed, at any time after the most recent renewal



1 of his license or certificate or the issuance of his original license or  
2 certificate if it has not been renewed,  
3 any of the acts set forth in NRS 632.320, the Board may take any  
4 one or more of the disciplinary actions set forth in subsection 1.

5 *3. The Board shall not privately reprimand a licensee or*  
6 *holder of a certificate.*

7 *4. An order that imposes discipline and the findings of fact*  
8 *and conclusions of law supporting that order are public records.*

9 **Sec. 65.** NRS 632.405 is hereby amended to read as follows:

10 632.405 1. ~~[Any] Except as otherwise provided in this~~  
11 ~~section, any~~ records or information obtained during the course of an  
12 investigation by the Board and any record of the investigation are  
13 confidential. ~~[until the investigation is completed. Upon completion~~  
14 ~~of the investigation the information and records are public records,~~  
15 ~~only if:~~

16 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
17 ~~investigation; or~~

18 ~~—(b) The person regarding whom the investigation was made~~  
19 ~~submits a written request to the Board asking that the information~~  
20 ~~and records be made public records.]~~

21 2. *The complaint or other document filed by the Board to*  
22 *initiate disciplinary action and all documents and information*  
23 *considered by the Board when determining whether to impose*  
24 *disciplinary action are public records.*

25 3. This section does not prevent or prohibit the Board from  
26 communicating or cooperating with another licensing board or any  
27 agency that is investigating a licensee, including a law enforcement  
28 agency.

29 **Sec. 66.** Chapter 633 of NRS is hereby amended by adding  
30 thereto the provisions set forth as sections 67 to 73, inclusive, of this  
31 act.

32 **Sec. 67. 1.** *In addition to the other requirements for*  
33 *licensure, an applicant for a license to practice osteopathic*  
34 *medicine shall submit to the Board information describing:*

35 *(a) Any claims made against the applicant for malpractice,*  
36 *whether or not a civil action was filed concerning the claim;*

37 *(b) Any complaints filed against the applicant with a licensing*  
38 *board of another state and any disciplinary action taken against*  
39 *the applicant by a licensing board of another state; and*

40 *(c) Any complaints filed against the applicant with a hospital,*  
41 *clinic or medical facility or any disciplinary action taken against*  
42 *the applicant by a hospital, clinic or medical facility.*

43 2. *The Board shall not issue a license to the applicant until it*  
44 *has received all the information required by this section.*





1     **Sec. 68.** *In addition to the other requirements for licensure,*  
2 *an applicant shall cause to be submitted to the Board a certificate*  
3 *of completion of progressive postgraduate training from the*  
4 *residency program where the applicant received training.*

5     **Sec. 69.** *The expiration of a license by operation of law or by*  
6 *order or decision of the Board or a court, or the voluntary*  
7 *surrender of a license by a licensee, does not deprive the Board of*  
8 *jurisdiction to proceed with any investigation of, or action or*  
9 *disciplinary proceeding against, the licensee or to render a*  
10 *decision suspending or revoking the license.*

11     **Sec. 70. 1.** *An osteopathic physician shall report to the*  
12 *Board:*

13     *(a) Any action for malpractice against the osteopathic*  
14 *physician not later than 45 days after the osteopathic physician*  
15 *receives service of a summons and complaint for the action;*

16     *(b) Any claim for malpractice against the osteopathic*  
17 *physician that is submitted to arbitration or mediation not later*  
18 *than 45 days after the claim is submitted to arbitration or*  
19 *mediation;*

20     *(c) Any settlement, award, judgment or other disposition of*  
21 *any action or claim described in paragraph (a) or (b) not later*  
22 *than 45 days after the settlement, award, judgment or other*  
23 *disposition; and*

24     *(d) Any sanctions imposed against the osteopathic physician*  
25 *that are reportable to the National Practitioner Data Bank not*  
26 *later than 45 days after the sanctions are imposed.*

27     **2.** *If the Board finds that an osteopathic physician has*  
28 *violated any provision of this section, the Board may impose a fine*  
29 *of not more than \$5,000 against the osteopathic physician for each*  
30 *violation, in addition to any other fines or penalties permitted by*  
31 *law.*

32     **3.** *All reports made by an osteopathic physician pursuant to*  
33 *this section are public records.*

34     **Sec. 71.** *If the Board receives a report pursuant to the*  
35 *provisions of NRS 633.526, 690B.045, 690B.050 or section 70 of*  
36 *this act indicating that a judgment has been rendered or an award*  
37 *has been made against an osteopathic physician regarding an*  
38 *action or claim for malpractice or that such an action or claim*  
39 *against the osteopathic physician has been resolved by settlement,*  
40 *the Board shall conduct an investigation to determine whether to*  
41 *impose disciplinary action against the osteopathic physician*  
42 *regarding the action or claim, unless the Board has already*  
43 *commenced or completed such an investigation regarding the*  
44 *action or claim before it receives the report.*



1       **Sec. 72. 1.** *If the Board receives a report pursuant to the*  
2 *provisions of NRS 633.526, 690B.045, 690B.050 or section 70 of*  
3 *this act indicating that a judgment has been rendered or an award*  
4 *has been made against an osteopathic physician regarding an*  
5 *action or claim for malpractice or that such an action or claim*  
6 *against the osteopathic physician has been resolved by settlement,*  
7 *the Board may order that the osteopathic physician undergo a*  
8 *mental or physical examination or an examination testing his*  
9 *competence to practice medicine by osteopathic physicians or*  
10 *other examinations designated by the Board to assist the Board or*  
11 *any investigative committee of the Board in determining the*  
12 *fitness of the osteopathic physician to practice medicine.*

13       **2.** *For the purposes of this section:*

14       **(a)** *Every osteopathic physician who applies for a license or*  
15 *who holds a license under this chapter shall be deemed to have*  
16 *given his consent to submit to a mental or physical examination or*  
17 *an examination testing his competence to practice medicine when*  
18 *ordered to do so in writing by the Board.*

19       **(b)** *The testimony or reports of the examining osteopathic*  
20 *physician are not privileged communications.*

21       **Sec. 73.** (Deleted by amendment.)

22       **Sec. 74.** NRS 633.286 is hereby amended to read as follows:

23       633.286 1. On or before February 15 of each odd-numbered  
24 year, the Board shall submit to the Governor and to the Director of  
25 the Legislative Counsel Bureau for transmittal to the next regular  
26 session of the Legislature a written report compiling:

27       **(a)** Disciplinary action taken by the Board during the previous  
28 biennium against osteopathic physicians for malpractice or  
29 negligence; and

30       **(b)** Information reported to the Board during the previous  
31 biennium pursuant to NRS 633.526, subsections 2 and 3 of NRS  
32 633.533 and NRS 690B.045 ~~and~~ *and 690B.050 and section 70 of this*  
33 *act.*

34       **2.** The report must include only aggregate information for  
35 statistical purposes and exclude any identifying information related  
36 to a particular person.

37       **Sec. 75.** NRS 633.301 is hereby amended to read as follows:

38       633.301 The Board shall keep a record of its proceedings  
39 relating to licensing and disciplinary actions. ~~[The record shall]~~  
40 *Except as otherwise provided in NRS 633.611, the record must* be  
41 open to public inspection at all reasonable times and ~~[shall also]~~  
42 contain the name, known place of business and residence, and the  
43 date and number of the license of every osteopathic physician  
44 licensed under this chapter.



1     **Sec. 76.** NRS 633.511 is hereby amended to read as follows:  
2     633.511 The grounds for initiating disciplinary action pursuant  
3 to this chapter are:

- 4     1. Unprofessional conduct.
- 5     2. Conviction of:
  - 6       (a) A violation of any federal or state law regulating the
  - 7       possession, distribution or use of any controlled substance or any
  - 8       dangerous drug as defined in chapter 454 of NRS;
  - 9       (b) A felony;
  - 10      (c) A violation of any of the provisions of NRS 616D.200,
  - 11      616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
  - 12      (d) Any offense involving moral turpitude.
- 13     3. The suspension of the license to practice osteopathic
- 14     medicine by any other jurisdiction.
- 15     4. Gross or repeated malpractice, which may be evidenced by
- 16     claims of malpractice settled against a practitioner.
- 17     5. Professional incompetence.
- 18     6. Failure to comply with the requirements of ~~NRS 633.526.~~
- 19     *section 70 of this act.*

20     **Sec. 77.** NRS 633.526 is hereby amended to read as follows:

21     633.526 1. The insurer of an osteopathic physician licensed  
22 under this chapter ~~and the osteopathic physician must~~ *shall* report  
23 to the Board ~~any action filed or claim~~ :

24     *(a) Any action for malpractice against the osteopathic*  
25 *physician not later than 45 days after the osteopathic physician*  
26 *receives service of a summons and complaint for the action;*

27     *(b) Any claim for malpractice against the osteopathic*  
28 *physician that is submitted to arbitration or mediation ~~for~~*  
29 *malpractice or negligence against the osteopathic physician and the*  
30 *not later than 45 days after the claim is submitted to arbitration or*  
31 *mediation; and*

32     *(c) Any settlement, award, judgment or other disposition of ~~the~~*  
33 *any action or claim ~~within 30 days after:~~*

34     ~~—(a) The action was filed or the claim was submitted to~~  
35 ~~arbitration or mediation; and~~

36     ~~—(b) The disposition of the action or claim.] described in~~  
37 *paragraph (a) or (b) not later than 45 days after the settlement,*  
38 *award, judgment or other disposition.*

39     2. The Board shall report any failure to comply with subsection  
40 1 by an insurer licensed in this state to the Division of Insurance of  
41 the Department of Business and Industry. If, after a hearing, the  
42 Division of Insurance determines that any such insurer failed to  
43 comply with the requirements of subsection 1, the Division may  
44 impose an administrative fine of not more than \$10,000 against the  
45 insurer for each such failure to report. If the administrative fine is



1 not paid when due, the fine must be recovered in a civil action  
2 brought by the Attorney General on behalf of the Division.

3 **Sec. 77.5.** NRS 633.611 is hereby amended to read as follows:  
4 633.611 ~~[All proceedings subsequent to the filing of]~~

5 *1. Except as otherwise provided in this section, a complaint*  
6 *filed with the Board, all documents and other information filed*  
7 *with the complaint and all documents and other information*  
8 *compiled as a result of the investigation conducted to determine*  
9 *whether to initiate disciplinary action* are confidential . ~~[, except to~~  
10 ~~the extent necessary for the conduct of an examination, until]~~

11 *2. The complaint or other document filed by the Board*  
12 ~~[determines to proceed with] to initiate disciplinary action~~ ~~[. If]~~ *and*  
13 *all documents and information considered by the Board* ~~[dismisses~~  
14 ~~the complaint, the proceedings remain confidential. If the Board~~  
15 ~~proceeds with disciplinary action, confidentiality concerning the~~  
16 ~~proceedings is no longer required.]~~ *when determining whether to*  
17 *impose discipline are public records.*

18 *3. The Board may disseminate all documents and other*  
19 *information filed with the complaint and all documents and*  
20 *other information compiled as a result of an investigation to any*  
21 *other licensing board, national association of registered boards,*  
22 *an agency of the Federal Government or of the State, the Attorney*  
23 *General or any law enforcement agency, regardless of whether the*  
24 *Board initiates disciplinary action as a result of the complaint or*  
25 *investigation.*

26 **Sec. 78.** NRS 633.651 is hereby amended to read as follows:

27 633.651 1. The person charged in a formal complaint is  
28 entitled to a hearing before the Board, but the failure of the person  
29 charged to attend his hearing or his failure to defend himself must  
30 not delay or void the proceedings. The Board may, for good cause  
31 shown, continue any hearing from time to time.

32 2. If the Board finds the person guilty as charged in the formal  
33 complaint, it ~~[may]~~ *shall* by order ~~[:]~~ *take one or more of the*  
34 *following actions:*

35 (a) Place the person on probation for a specified period or until  
36 further order of the Board.

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

38 (c) Limit the practice of the person to, or by the exclusion of,  
39 one or more specified branches of osteopathic medicine.

40 (d) Suspend the license of the person to practice osteopathic  
41 medicine for a specified period or until further order of the Board.

42 (e) Revoke the license of the person to practice osteopathic  
43 medicine.



\* S B 2 5 0 R 2 \*

1 The order of the Board may contain such other terms, provisions or  
2 conditions as the Board deems proper and which are not inconsistent  
3 with law.

4 **3. The Board shall not administer a private reprimand.**

5 **4. An order that imposes discipline and the findings of fact  
6 and conclusions of law supporting that order are public records.**

7 **Sec. 79.** Chapter 634 of NRS is hereby amended by adding  
8 thereto a new section to read as follows:

9 **1. Except as otherwise provided in this section, a complaint  
10 filed with the Board, all documents and other information filed  
11 with the complaint and all documents and other information  
12 compiled as a result of the investigation conducted to determine  
13 whether to initiate disciplinary action are confidential.**

14 **2. The complaint or other document filed by the Board to  
15 initiate disciplinary action and all documents and information  
16 considered by the Board when determining whether to impose  
17 discipline are public records.**

18 **Sec. 80.** NRS 634.190 is hereby amended to read as follows:

19 634.190 1. The person charged is entitled to a hearing before  
20 the Board, but the failure of the person charged to attend his hearing  
21 or his failure to defend himself does not delay or void the  
22 proceedings. The Board may, for good cause shown, continue any  
23 hearing from time to time.

24 2. If the Board finds the person guilty as charged in the  
25 complaint, it may by order:

26 (a) Place the person on probation for a specified period or until  
27 further order of the Board.

28 (b) Administer to the person a public ~~for private~~ reprimand.

29 (c) Limit the practice of the person to, or by the exclusion of,  
30 one or more specified branches of chiropractic.

31 (d) Suspend the license of the person to practice chiropractic for  
32 a specified period or until further order of the Board.

33 (e) Revoke the license of the person to practice chiropractic.

34 (f) Impose a fine of not more than \$10,000, which must be  
35 deposited with the State Treasurer for credit to the State General  
36 Fund.

37 ~~[(g) Require the person to pay all costs incurred by the Board  
38 relating to the discipline of the person.]~~

39 The order of the Board may contain such other terms, provisions or  
40 conditions as the Board deems proper and which are not inconsistent  
41 with law.

42 3. If the Board finds that a licensee has violated the provisions  
43 of NRS 439B.425, the Board shall suspend his license for a  
44 specified period or until further order of the Board.

45 **4. The Board shall not administer a private reprimand.**



1 **5. An order that imposes discipline and the findings of fact**  
2 **and conclusions of law supporting that order are public records.**

3 **Sec. 81.** NRS 634.212 is hereby amended to read as follows:  
4 634.212 1. The Board shall keep a record of its proceedings  
5 relating to licensing and disciplinary actions. ~~These~~ **Except as**  
6 **otherwise provided in section 79 of this act, the** records must be  
7 open to public inspection at all reasonable times and must contain  
8 the name, known place of business and residence, and the date and  
9 number of the license of every chiropractor licensed under this  
10 chapter. The Board may keep such other records as it deems  
11 desirable.

12 2. Except as **otherwise** provided in this subsection, all  
13 information pertaining to the personal background, medical history  
14 or financial affairs of an applicant or licensee which the Board  
15 requires to be furnished to it under this chapter, or which it  
16 otherwise obtains, is confidential and may be disclosed in whole or  
17 in part only as necessary in the course of administering this chapter  
18 or upon the order of a court of competent jurisdiction. The Board  
19 may, under procedures established by regulation, permit the  
20 disclosure of this information to any agent of the Federal  
21 Government, of another state or of any political subdivision of this  
22 state who is authorized to receive it.

23 3. Notice of the disclosure and the contents of the information  
24 disclosed pursuant to subsection 2 must be given to the applicant or  
25 licensee who is the subject of that information.

26 **Sec. 82.** Chapter 634A of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28 **1. Except as otherwise provided in this section, a complaint**  
29 **filed with the Board, all documents and other information filed**  
30 **with the complaint and all documents and other information**  
31 **compiled as a result of the investigation conducted to determine**  
32 **whether to initiate disciplinary action are confidential.**

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

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

39 **Sec. 83.** NRS 634A.250 is hereby amended to read as follows:  
40 634A.250 ~~It~~ In addition to any other penalties prescribed  
41 by law, the Board may, after notice and hearing, impose upon any  
42 person who violates any provision of this chapter or the regulations  
43 adopted pursuant thereto an administrative fine of not more than  
44 \$2,500.



1 ~~[2. If discipline is imposed pursuant to this chapter, the costs of~~  
2 ~~the proceeding, including investigative costs and attorney's fees,~~  
3 ~~may be recovered by the Board.]~~

4 **Sec. 84.** Chapter 635 of NRS is hereby amended by adding  
5 thereto a new section to read as follows:

6 *1. Except as otherwise provided in this section, a complaint*  
7 *filed with the Board, all documents and other information filed*  
8 *with the complaint and all documents and other information*  
9 *compiled as a result of the investigation conducted to determine*  
10 *whether to initiate disciplinary action are confidential.*

11 *2. The complaint or other document filed by the Board to*  
12 *initiate disciplinary action and all documents and information*  
13 *considered by the Board when determining whether to impose*  
14 *discipline are public records.*

15 *3. An order that imposes discipline and the findings of fact*  
16 *and conclusions of law supporting that order are public records.*

17 **Sec. 85.** NRS 635.130 is hereby amended to read as follows:

18 635.130 1. The Board, after notice and hearing, and upon any  
19 cause enumerated in subsection 2, may take one or more of the  
20 following disciplinary actions:

21 (a) Deny an application for a license or refuse to renew a  
22 license.

23 (b) Suspend or revoke a license.

24 (c) Place a licensee on probation.

25 (d) Impose a fine not to exceed \$5,000.

26 ~~[(e) Require the licensee to pay all costs incurred by the Board~~  
27 ~~relating to the discipline of the licensee.]~~

28 2. The Board may take disciplinary action against a licensee for  
29 any of the following causes:

30 (a) The making of a false statement in any affidavit required of  
31 the applicant for application, examination or licensure pursuant to  
32 the provisions of this chapter.

33 (b) Lending the use of the holder's name to an unlicensed  
34 person.

35 (c) If the holder is a podiatric physician, his permitting an  
36 unlicensed person in his employ to practice as a podiatry hygienist.

37 (d) Habitual indulgence in the use of alcohol or any controlled  
38 substance which impairs the intellect and judgment to such an extent  
39 as in the opinion of the Board incapacitates the holder in the  
40 performance of his professional duties.

41 (e) Conviction of a crime involving moral turpitude.

42 (f) Conviction of violating any of the provisions of NRS  
43 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
44 inclusive.



- 1 (g) Conduct which in the opinion of the Board disqualifies him
- 2 to practice with safety to the public.
- 3 (h) The commission of fraud by or on behalf of the licensee
- 4 regarding his license or practice.
- 5 (i) Gross incompetency.
- 6 (j) Affliction of the licensee with any mental or physical
- 7 disorder which seriously impairs his competence as a podiatric
- 8 physician or podiatry hygienist.
- 9 (k) False representation by or on behalf of the licensee regarding
- 10 his practice.
- 11 (l) Unethical or unprofessional conduct.
- 12 (m) Willful or repeated violations of this chapter or regulations
- 13 adopted by the Board.
- 14 (n) Willful violation of the regulations adopted by the State
- 15 Board of Pharmacy.

16 **Sec. 86.** NRS 635.180 is hereby amended to read as follows:  
17 635.180 Except as otherwise provided in NRS 635.167, every  
18 person who practices podiatry or as a podiatry hygienist without  
19 having complied with the provisions of this chapter must be fined  
20 not more than \$10,000 for each offense . ~~and may be required to~~  
21 ~~pay all costs incurred by the Board relating to the discipline of the~~  
22 ~~person.]~~

23 **Sec. 87.** Chapter 636 of NRS is hereby amended by adding  
24 thereto a new section to read as follows:

25 *1. Except as otherwise provided in this section, a complaint*  
26 *filed with the Board, all documents and other information filed*  
27 *with the complaint and all documents and other information*  
28 *compiled as a result of an investigation conducted to determine*  
29 *whether to initiate disciplinary action are confidential.*

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

34 **Sec. 88.** NRS 636.105 is hereby amended to read as follows:

- 35 636.105 1. The Executive Director shall make and keep:
- 36 (a) A record of all meetings and proceedings of the Board.
  - 37 (b) A record of all prosecutions and violations of this chapter.
  - 38 (c) A record of the results of all examinations of applicants.
  - 39 (d) A register of all licensees.
  - 40 (e) An inventory of all property of the Board and all property of
  - 41 the State in the Board's possession.

42 2. ~~Att~~ *Except as otherwise provided in section 87 of this act,*  
43 records of the Board are subject to public inspection.

44 3. All records of the Board must be kept in the office of the  
45 Board.





1       **Sec. 89.** NRS 636.325 is hereby amended to read as follows:

2       636.325 1. Upon conclusion of the hearing, or waiver thereof  
3 by the licensee against whom the charge is filed, the Board shall  
4 make and announce its decision. If the Board determines that the  
5 allegations included in the charge are true, it may ~~[, in the exercise~~  
6 ~~of reasonable discretion,]~~ take any one or more of the following  
7 actions:

8       (a) ~~[Reprimand]~~ *Publicly reprimand* the licensee;

9       (b) Place the licensee on probation for a specified or unspecified  
10 period;

11       (c) Suspend the licensee from practice for a specified or  
12 unspecified period;

13       (d) Revoke the licensee's license; or

14       (e) Impose an administrative fine pursuant to the provisions of  
15 NRS 636.420 . ~~[and order the licensee to pay any costs or fees~~  
16 ~~incurred by the Board in connection with the hearing.]~~

17 The Board may, in connection with a reprimand, probation or  
18 suspension, impose such other terms or conditions as it deems  
19 necessary.

20       2. If the Board determines that the allegations included in the  
21 charge are false or do not warrant disciplinary action, it shall  
22 dismiss the charge.

23       3. *The Board shall not privately reprimand a licensee.*

24       4. *An order that imposes discipline and the findings of fact*  
25 *and conclusions of law supporting that order are public records.*

26       **Sec. 90.** Chapter 637 of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28       1. *Except as otherwise provided in this section, a complaint*  
29 *filed with the Board, all documents and other information filed*  
30 *with the complaint and all documents and other information*  
31 *compiled as a result of the investigation conducted to determine*  
32 *whether to initiate disciplinary action are confidential.*

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

37       **Sec. 91.** NRS 637.085 is hereby amended to read as follows:

38       637.085 1. Except as otherwise provided in subsection 2, *and*  
39 *section 90 of this act*, all applications for licensure, any charges  
40 filed by the Board, financial records of the Board, formal hearings  
41 on any charges heard by the Board or a panel selected by the Board,  
42 records of the hearings and any order or decision of the Board or  
43 panel must be open to the public.

44       2. ~~[The]~~ *Except as otherwise provided in section 90 of this*  
45 *act, the* following may be kept confidential:



1 (a) Any statement, evidence, credential or other proof submitted  
2 in support of or to verify the contents of an application.  
3 (b) ~~[(All investigations and records of investigations.)~~  
4 ~~[(e)]~~ Any report concerning the fitness of any person to receive  
5 or hold a license to practice ophthalmic dispensing.  
6 ~~[(d)]~~ (c) Any communication between:  
7 (1) The Board and any of its committees or panels; and  
8 (2) The Board or its staff, investigators, experts, committees,  
9 panels, hearing officers, advisory members or consultants and  
10 counsel for the Board.  
11 ~~[(e)]~~ (d) Any other information or records in the possession of  
12 the Board.  
13 3. This section does not prohibit the Board from  
14 communicating or cooperating with any other licensing board or  
15 agency or any agency which is investigating a licensee, including a  
16 law enforcement agency.  
17 **Sec. 92.** NRS 637.150 is hereby amended to read as follows:  
18 637.150 **1.** Upon proof to the satisfaction of the Board that an  
19 applicant or holder of a license:  
20 ~~[(1)]~~ (a) Has been adjudicated insane;  
21 ~~[(2)]~~ (b) Habitually uses any controlled substance or intoxicant;  
22 ~~[(3)]~~ (c) Has been convicted of a crime involving moral  
23 turpitude;  
24 ~~[(4)]~~ (d) Has been convicted of violating any of the provisions of  
25 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
26 inclusive;  
27 ~~[(5)]~~ (e) Has advertised in any manner which would tend to  
28 deceive, defraud or mislead the public;  
29 ~~[(6)]~~ (f) Has presented to the Board any diploma, license or  
30 certificate that has been signed or issued unlawfully or under  
31 fraudulent representations, or obtains or has obtained a license to  
32 practice in the State through fraud of any kind;  
33 ~~[(7)]~~ (g) Has been convicted of a violation of any federal or state  
34 law relating to a controlled substance;  
35 ~~[(8)]~~ (h) Has violated any regulation of the Board;  
36 ~~[(9)]~~ (i) Has violated any provision of this chapter;  
37 ~~[(10)]~~ (j) Is incompetent;  
38 ~~[(11)]~~ (k) Is guilty of unethical or unprofessional conduct as  
39 determined by the Board;  
40 ~~[(12)]~~ (l) Is guilty of repeated malpractice, which may be  
41 evidenced by claims of malpractice settled against a practitioner; or  
42 ~~[(13)]~~ (m) Is guilty of a fraudulent or deceptive practice as  
43 determined by the Board,  
44 the Board may, in the case of an applicant, refuse to grant him a  
45 license, or may, in the case of a holder of a license, place him on



1 probation, reprimand him ~~privately or~~ publicly, require him to pay  
2 an administrative fine of not more than \$10,000, suspend or revoke  
3 his license, or take any combination of these disciplinary actions.

4 *2. The Board shall not privately reprimand a holder of a*  
5 *license.*

6 *3. An order that imposes discipline and the findings of fact*  
7 *and conclusions of law supporting that order are public records.*

8 **Sec. 93.** Chapter 637A of NRS is hereby amended by adding  
9 thereto a new section to read as follows:

10 *1. Except as otherwise provided in this section, a complaint*  
11 *filed with the Board, all documents and other information filed*  
12 *with the complaint and all documents and other information*  
13 *compiled as a result of an investigation conducted to determine*  
14 *whether to initiate disciplinary action are confidential.*

15 *2. The complaint or other document filed by the Board to*  
16 *initiate disciplinary action and all documents and information*  
17 *considered by the Board when determining whether to impose*  
18 *discipline are public records.*

19 **Sec. 94.** NRS 637A.290 is hereby amended to read as follows:

20 637A.290 1. The holder of any license issued by the Board  
21 whose default has been entered or who has been heard by the Board  
22 and found guilty of the violation alleged in the complaint may be  
23 disciplined by the Board by one or more of the following methods:

24 (a) Placing the licensee on probation for a period not to exceed 2  
25 years;

26 (b) Suspending the right of the licensee to practice, or the right  
27 to use a license, for a period not to exceed 3 years;

28 (c) Revoking the license;

29 (d) Public ~~for private~~ reprimand;

30 (e) Imposition of an administrative fine not to exceed \$5,000  
31 upon a finding by the Board of more than one violation;

32 (f) ~~Requiring the licensee to pay the costs incurred by the~~  
33 ~~Board in investigating and disciplining the licensee;~~

34 ~~(g)~~ Requiring the licensee to pay restitution to any person who  
35 has suffered an economic loss as a result of a violation of the  
36 provisions of this chapter or any regulation adopted by the Board  
37 pursuant thereto; or

38 ~~(h)~~ (g) Requiring the licensee to retake and pass the  
39 examination or otherwise demonstrate that he is qualified and  
40 competent to practice.

41 2. If a license is suspended, it must be surrendered to the Board  
42 and returned to the licensee upon termination of the period of  
43 suspension.

44 *3. The Board shall not issue a private reprimand.*



1 **4. An order that imposes discipline and the findings of fact**  
2 **and conclusions of law supporting that order are public records.**

3 **Sec. 95.** Chapter 637B of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5 **1. Except as otherwise provided in this section, a complaint**  
6 **filed with the Board, all documents and other information filed**  
7 **with the complaint and all documents and other information**  
8 **compiled as a result of an investigation conducted to determine**  
9 **whether to initiate disciplinary action are confidential.**

10 **2. The complaint or other document filed by the Board to**  
11 **initiate disciplinary action and all documents and information**  
12 **considered by the Board when determining whether to impose**  
13 **discipline are public records.**

14 **Sec. 96.** NRS 637B.280 is hereby amended to read as follows:

15 637B.280 **1.** If, after the hearing, the Board determines that  
16 the applicant or licensee has committed any act which constitutes  
17 grounds for disciplinary action, the Board may , in the case of the  
18 applicant , refuse to issue a license, and in all other cases:

- 19 ~~1.~~ (a) Refuse to renew a license;  
20 ~~2.~~ (b) Revoke a license;  
21 ~~3.~~ (c) Suspend a license for a definite time, not to exceed 1  
22 year;  
23 ~~4.~~ (d) Administer to the licensee a public ~~or private~~  
24 reprimand; or  
25 ~~5.~~ (e) Impose a civil penalty not to exceed \$1,000.

26 **2. The Board shall not administer a private reprimand.**

27 **3. An order that imposes discipline and the findings of fact**  
28 **and conclusions of law supporting that order are public records.**

29 **Sec. 97.** Chapter 638 of NRS is hereby amended by adding  
30 thereto a new section to read as follows:

31 **1. Except as otherwise provided in this section, a complaint**  
32 **filed with the Board, all documents and other information filed**  
33 **with the complaint and all documents and other information**  
34 **compiled as a result of an investigation conducted to determine**  
35 **whether to initiate disciplinary action are confidential.**

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

40 **Sec. 98.** NRS 638.087 is hereby amended to read as follows:

41 638.087 **1.** The Board shall keep a record of:

- 42 (a) All charges filed against a licensee;  
43 (b) The proceedings of any formal hearing conducted by the  
44 Board or a hearing officer;  
45 (c) Any order filed by the Board; and



1 (d) All licenses issued by the Board including the name of the  
2 holder of the license, his business and residential addresses, the date  
3 the license was issued and the serial number of the license.

4 2. ~~[(The)]~~ *Except as otherwise provided in section 97 of this*  
5 *act, the* records of the Board listed in subsection 1 must be open to  
6 the public at reasonable times and places.

7 **Sec. 99.** NRS 638.100 is hereby amended to read as follows:

8 638.100 1. Any person who desires to secure a license to  
9 practice veterinary medicine, surgery, obstetrics or dentistry in the  
10 State of Nevada must make written application to the Executive  
11 Director of the Board.

12 2. The application must include the social security number of  
13 the applicant and any other information required by the Board and  
14 must be accompanied by satisfactory proof that the applicant:

15 (a) Is of good moral character;

16 (b) Except as otherwise provided in subsection 3, has received a  
17 diploma conferring the degree of doctor of veterinary medicine or  
18 its equivalent from a school of veterinary medicine within the  
19 United States or Canada or, if the applicant is a graduate of a school  
20 of veterinary medicine located outside the United States or Canada,  
21 that he has received an educational certificate issued after  
22 December 31, 1972, by the Educational ~~[Committee—on]~~  
23 *Commission for* Foreign Veterinary Graduates of the American  
24 Veterinary Medical Association;

25 (c) Has passed each examination required by the Board pursuant  
26 to NRS 638.110; and

27 (d) Is a citizen of the United States or is lawfully entitled to  
28 remain and work in the United States.

29 3. A veterinary student in his final year at a school accredited  
30 by the American Veterinary Medical Association may submit an  
31 application to the Board and take the state examination administered  
32 by the Board, but the Board may not issue him a license until he has  
33 complied with the requirements of subsection 2.

34 4. The application must be signed by the applicant, notarized  
35 and accompanied by a fee set by the Board, not to exceed \$500.

36 5. The Board may refuse to issue a license upon satisfactory  
37 proof that the applicant has committed an act which would be a  
38 ground for disciplinary action if the applicant were a licensee.

39 ~~[6.—If an applicant brings a civil action against the Board for~~  
40 ~~denial of a license and the decision of the Board is upheld, the~~  
41 ~~Board may recover all administrative expenses and attorney's fees~~  
42 ~~and costs incurred by the Board in defending the action brought~~  
43 ~~against it.]~~



1       **Sec. 100.** NRS 638.147 is hereby amended to read as follows:  
2       638.147 **1.** If the Board determines that any applicant for a  
3 license or any person licensed pursuant to this chapter has  
4 committed any of the acts which are grounds for disciplinary action,  
5 the Board may:

6       ~~[1.]~~ **(a)** Refuse to issue a license.  
7       ~~[2.]~~ **(b)** Refuse to renew a license.  
8       ~~[3.]~~ **(c)** Revoke a license.  
9       ~~[4.]~~ **(d)** Suspend a license for a definite period or until further  
10 order of the Board.

11       ~~[5.]~~ **(e)** Impose a fine in an amount not to exceed \$10,000 for  
12 each act which constitutes a ground for disciplinary action.

13       ~~[6.]~~ **(f)** Place a licensee on probation subject to any reasonable  
14 conditions imposed by the Board, including requiring courses in  
15 continuing education or a periodic or continuous review of his  
16 practice.

17       ~~[7.]~~ **(g)** Administer a public ~~for private reprimand.~~  
18 ~~—8.] reprimand.~~

19       **(h)** Limit the practice of the licensee to specified branches of  
20 veterinary medicine.

21       ~~[9.]~~ **(i)** Require the licensee to take a competency examination  
22 or a mental or physical examination.

23       ~~[10.—Require the licensee to pay all costs incurred by the Board~~  
24 ~~in taking disciplinary action against the licensee.]~~

25       **2. The Board shall not administer a private reprimand.**

26       **3. An order that imposes discipline and the findings of fact**  
27 **and conclusions of law supporting that order are public records.**

28       **Sec. 101.** NRS 639.2485 is hereby amended to read as  
29 follows:

30       639.2485 **1. ~~[Any]~~ Except as otherwise provided in this**  
31 **section, any** records or information obtained during the course of an  
32 investigation by the Board and any record of the investigation are  
33 confidential . ~~[until the investigation is completed. Upon completion~~  
34 ~~of the investigation the information and records are public records,~~  
35 ~~only if:~~

36 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
37 ~~investigation; or~~

38 ~~—(b) The person regarding whom the investigation was made~~  
39 ~~submits a written request to the Board asking that the information~~  
40 ~~and records be made public records.]~~

41       **2. The complaint or other document filed by the Board to**  
42 **initiate disciplinary action and all documents and information**  
43 **considered by the Board when determining whether to impose**  
44 **discipline are public records.**



1 3. The Board may disclose to a practitioner and a law  
2 enforcement agency information concerning a person who procures  
3 or attempts to procure any dangerous drug or controlled substance in  
4 violation of NRS 453.391 or 454.311.

5 ~~[3.]~~ 4. If the Board receives a request or subpoena for records  
6 or information obtained during an investigation by the Board and  
7 the records or information is not made public pursuant to subsection  
8 ~~[1.]~~ 2, the Board shall notify the person regarding whom the  
9 investigation was made of the request or subpoena. If that person  
10 does not consent in writing to the release of the records or  
11 information, the Board may release the records or information only  
12 upon the order of a court of competent jurisdiction.

13 **Sec. 102.** NRS 639.255 is hereby amended to read as follows:

14 639.255 1. The holder of any certificate, license or permit  
15 issued by the Board, whose default has been entered or who has  
16 been heard by the Board and found guilty of the violations alleged  
17 in the accusation, may be disciplined by the Board by one or more  
18 of the following methods:

- 19 (a) Suspending judgment;
- 20 (b) Placing the certificate, license or permit holder on probation;
- 21 (c) Suspending the right of a certificate holder to practice, or the  
22 right to use any license or permit, for a period to be determined by  
23 the Board;
- 24 (d) Revoking the certificate, license or permit;
- 25 (e) Public reprimand; *or*

26 (f) Imposition of a fine for each count of the accusation, in  
27 accordance with the schedule of fines established pursuant to  
28 subsection 3. ~~[; or~~

29 ~~—(g) Requiring the certificate, license or permit holder to pay all  
30 costs and attorney’s fees incurred by the Board relating to the  
31 discipline of the person.]~~

32 2. Such action by the Board is final, except that the propriety of  
33 such action is subject to review upon questions of law by a court of  
34 competent jurisdiction.

35 3. The Board shall, by regulation, establish a schedule of fines  
36 that may be imposed pursuant to paragraph (f) of subsection 1. Each  
37 fine must be commensurate with the severity of the applicable  
38 violation, but must not exceed \$10,000 for each violation.

39 4. *The Board shall not issue a private reprimand.*

40 5. *An order that imposes discipline and the findings of fact  
41 and conclusions of law supporting that order are public records.*

42 **Sec. 103.** NRS 640.075 is hereby amended to read as follows:

43 640.075 1. ~~[Any]~~ *Except as otherwise provided in this  
44 section, any* records or information obtained during the course of an  
45 investigation by the Board and any record of the investigation are



1 confidential . ~~[until the investigation is completed. Upon completion~~  
2 ~~of the investigation the information and records are public records,~~  
3 ~~only if:~~

4 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
5 ~~investigation; or~~

6 ~~—(b) The person regarding whom the investigation was made~~  
7 ~~submits a written request to the Board asking that the information~~  
8 ~~and records be made public records.]~~

9 2. *The complaint or other document filed by the Board to*  
10 *initiate disciplinary action and all documents and information*  
11 *considered by the Board when determining whether to impose*  
12 *discipline are public records.*

13 3. This section does not prevent or prohibit the Board from  
14 communicating or cooperating with another licensing board or any  
15 agency that is investigating a licensee, including a law enforcement  
16 agency.

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

19 **Sec. 104.** NRS 640.160 is hereby amended to read as follows:  
20 640.160 1. The Board, after ~~[due]~~ notice and hearing, and  
21 upon any ground enumerated in subsection 2, may take one or more  
22 of the following actions:

23 (a) Refuse to issue a license or temporary license to any  
24 applicant.

25 (b) Refuse to renew the license or temporary license of any  
26 person.

27 (c) Suspend or revoke the license or temporary license of any  
28 person.

29 (d) Place any person who has been issued a license or temporary  
30 license on probation.

31 (e) Impose an administrative fine which does not exceed \$5,000  
32 on any person who has been issued a license.

33 ~~[(f) Require any person who has been issued a license to pay all~~  
34 ~~costs incurred by the Board relating to the discipline of the person.]~~

35 2. The Board may take action pursuant to subsection 1 if an  
36 applicant or person who has been licensed pursuant to this chapter:

37 (a) Is habitually drunk or is addicted to the use of a controlled  
38 substance.

39 (b) Has been convicted of violating any state or federal law  
40 relating to controlled substances.

41 (c) Is, in the judgment of the Board, guilty of immoral or  
42 unprofessional conduct.

43 (d) Has been convicted of any crime involving moral turpitude.





1 (e) Has been convicted of violating any of the provisions of  
2 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
3 inclusive.

4 (f) Is guilty, in the judgment of the Board, of gross negligence in  
5 his practice as a physical therapist which may be evidenced by  
6 claims of malpractice settled against a practitioner.

7 (g) Has obtained or attempted to obtain a license by fraud or  
8 material misrepresentation.

9 (h) Has been declared insane by a court of competent  
10 jurisdiction and has not thereafter been lawfully declared sane.

11 (i) Has entered into any contract or arrangement which provides  
12 for the payment of an unearned fee to any person following his  
13 referral of a patient.

14 (j) Has employed as a physical therapist any unlicensed physical  
15 therapist or physical therapist whose license has been suspended.

16 (k) Has had his license to practice physical therapy suspended,  
17 revoked or in any way limited by another jurisdiction.

18 (l) Is determined to be professionally incompetent by the Board.

19 (m) Has violated any provision of this chapter or the Board's  
20 regulations.

21 **Sec. 105.** NRS 640A.200 is hereby amended to read as  
22 follows:

23 640A.200 1. The Board may, after notice and hearing,  
24 suspend, revoke or refuse to issue or renew a license to practice as  
25 an occupational therapist or occupational therapy assistant, or may  
26 impose conditions upon the use of that license, if the Board  
27 determines that the holder of or applicant for the license is guilty of  
28 unprofessional conduct which has endangered or is likely to  
29 endanger the public health, safety or welfare. The Board may  
30 reinstate a revoked license upon application by the person to whom  
31 the license was issued not less than 1 year after the license is  
32 revoked.

33 2. If the Board receives a report pursuant to subsection 5 of  
34 NRS 228.420, a hearing must be held to consider the report within  
35 30 days after receiving the report.

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

38 4. As used in this section, "unprofessional conduct" includes:

39 (a) The obtaining of a license by fraud or through the  
40 misrepresentation or concealment of a material fact;

41 (b) The conviction of any crime, except a misdemeanor which  
42 does not involve moral turpitude; and

43 (c) The violation of any provision of this chapter or regulation  
44 of the Board adopted pursuant to this chapter.



1 **Sec. 106.** NRS 640A.220 is hereby amended to read as  
2 follows:

3 640A.220 ~~{Any}~~

4 **1. Except as otherwise provided in this section, any** records or  
5 information obtained during the course of an investigation by the  
6 Board are confidential . ~~{until the investigation is completed. Upon~~  
7 ~~completion of the investigation, the records and information are~~  
8 ~~public records if:~~

9 ~~—1.— Disciplinary action is imposed by the Board as a result of the~~  
10 ~~investigation; or~~

11 ~~—2.— The person under investigation submits a written request to~~  
12 ~~the Board asking that the information and records be made}~~

13 **2. The complaint or other document filed by the Board to**  
14 **initiate disciplinary action and all documents and information**  
15 **considered by the Board when determining whether to impose**  
16 **discipline are** public records.

17 **Sec. 107.** NRS 641.090 is hereby amended to read as follows:

18 641.090 1. The Secretary-Treasurer shall make and keep on  
19 behalf of the Board:

- 20 (a) A record of all its meetings and proceedings.
- 21 (b) A record of all violations and prosecutions under the
- 22 provisions of this chapter.
- 23 (c) A record of all examinations of applicants.
- 24 (d) A register of all licenses.
- 25 (e) A register of all holders of licenses.
- 26 (f) An inventory of the property of the Board and of the State in
- 27 the Board’s possession.

28 2. These records must be kept in the office of the Board and ,  
29 **except as otherwise provided in NRS 641.255**, are subject to public  
30 inspection during normal working hours upon reasonable notice.

31 3. The Board may keep the personnel records of applicants  
32 confidential.

33 **Sec. 108.** NRS 641.240 is hereby amended to read as follows:

34 641.240 **1.** If the Board, a panel of its members or a hearing  
35 officer appointed by the Board finds the person guilty as charged in  
36 the complaint, it may:

- 37 ~~{1.}~~ (a) Administer a public ~~for private reprimand.~~
- 38 ~~—2.}~~ **reprimand.**
- 39 (b) Limit his practice.
- 40 ~~{3.}~~ (c) Suspend his license for a period of not more than 1 year.
- 41 ~~{4.}~~ (d) Revoke his license.
- 42 ~~{5.}~~ (e) Impose a fine of not more than \$5,000.
- 43 ~~{6.}~~ (f) Revoke or suspend his license and impose a monetary
- 44 penalty.



1 ~~[7.]~~ (g) Suspend the enforcement of any penalty by placing him  
2 on probation. The Board may revoke the probation if the person  
3 does not follow any conditions imposed.

4 ~~[8.]~~ (h) Require the person to submit to the supervision of or  
5 counseling or treatment by a person designated by the Board. The  
6 person named in the complaint is responsible for any expense  
7 incurred.

8 ~~[9.]~~ (i) Impose and modify any conditions of probation for the  
9 protection of the public or the rehabilitation of the probationer.

10 ~~[10.]~~ (j) Require the person to pay for the costs of remediation  
11 or restitution.

12 ~~[11.—Assess the costs of the disciplinary proceedings, including  
13 any investigations.]~~

14 *2. The Board shall not administer a private reprimand.*

15 *3. An order that imposes discipline and the findings of fact  
16 and conclusions of law supporting that order are public records.*

17 **Sec. 109.** NRS 641.255 is hereby amended to read as follows:  
18 641.255 ~~[A]~~

19 *1. Except as otherwise provided in subsection 2, all*  
20 *complaints filed with the Board, all information relating to a*  
21 *complaint and all information relating to an investigation*  
22 *conducted to determine whether to initiate disciplinary action*  
23 *are confidential, except to the extent necessary for the conduct of an*  
24 *investigation. ~~[, until the Board determines whether to proceed with~~*  
25 *any action authorized under this chapter. If the Board proceeds with*  
26 *any action, confidentiality is no longer required.]*

27 *2. The complaint or other document filed by the Board to*  
28 *initiate disciplinary action and all documents and information*  
29 *considered by the Board when determining whether to impose*  
30 *discipline are public records.*

31 **Sec. 110.** NRS 641A.191 is hereby amended to read as  
32 follows:

33 641A.191 1. ~~[Any]~~ *Except as otherwise provided in this*  
34 *section, any records or information obtained during the course of an*  
35 *investigation by the Board and any record of the investigation are*  
36 *confidential. ~~[until the investigation is completed. Except as~~*  
37 *otherwise provided in NRS 641A.315, upon completion of the*  
38 *investigation the information and records are public records, only if:*  
39 *—(a) Disciplinary action is imposed by the Board as a result of the*  
40 *investigation; or*  
41 *—(b) The person regarding whom the investigation was made*  
42 *submits a written request to the Board asking that the information*  
43 *and records be made public records.]*

44 *2. The complaint or other document filed by the Board to*  
45 *initiate disciplinary action and all documents and information*



1 *considered by the Board when determining whether to impose*  
2 *discipline are public records.*

3 3. This section does not prohibit the Board from  
4 communicating or cooperating with any other licensing board or  
5 agency or any agency which is investigating a licensee, including a  
6 law enforcement agency.

7 **Sec. 111.** NRS 641A.320 is hereby amended to read as  
8 follows:

9 641A.320 1. The Board may discipline the holder of any  
10 license whose default has been entered or who has been heard by the  
11 Board and found guilty, by any of the following methods:

12 ~~[1.]~~ (a) Placing him upon probation for a period to be  
13 determined by the Board.

14 ~~[2.]~~ (b) Suspending his license for not more than 1 year.

15 ~~[3.]~~ (c) Revoking his license.

16 ~~[4.]~~ (d) Administering a ~~[private or]~~ public reprimand.

17 ~~[5.]~~ (e) Limiting his practice.

18 ~~[6.]~~ (f) Imposing an administrative fine of not more than  
19 \$5,000.

20 ~~[7.]~~ (g) Requiring him to complete successfully another  
21 examination.

22 ~~[8.—Requiring him to pay the costs incurred by the Board to~~  
23 ~~conduct the hearing.]~~

24 2. *The Board shall not administer a private reprimand.*

25 3. *An order that imposes discipline and the findings of fact*  
26 *and conclusions of law supporting that order are public records.*

27 **Sec. 112.** NRS 641B.430 is hereby amended to read as  
28 follows:

29 641B.430 1. The defendant licensee must be accorded the  
30 right to appear at the hearing of a complaint conducted by the Board  
31 in person and through the representation of legal counsel. He must  
32 be given adequate opportunity to confront the witnesses against him,  
33 testify and introduce the testimony of witnesses in his behalf and  
34 submit arguments and briefs in person or through his counsel. The  
35 Board shall make and announce its decision as soon as practicable.

36 2. The failure of the person charged to attend his hearing or  
37 defend himself must not delay and does not void the proceedings.  
38 The Board may, for good cause shown, continue any hearing from  
39 time to time.

40 3. If the Board finds the person guilty as charged in the  
41 complaint, it may by order:

42 (a) Place the person on probation for a specified period or until  
43 further order of the Board.

44 (b) Administer to the person a public ~~[or private]~~ reprimand.



1 (c) Limit the practice of the person to, or by exclusion of, one or  
2 more specified branches of social work.

3 (d) Suspend the license of the person to practice social work for  
4 a specified period or until further order of the Board.

5 (e) Revoke the license of the person to practice social work.

6 (f) Impose a fine of not more than \$5,000, which must be  
7 deposited with the State Treasurer for credit to the State General  
8 Fund.

9 ~~[(g) Require the person to pay all costs incurred by the Board  
10 relating to the discipline of the person.]~~

11 The order of the Board may contain other terms, provisions or  
12 conditions as the Board deems proper and which are not inconsistent  
13 with law.

14 *4. The Board shall not administer a private reprimand.*

15 *5. An order that imposes discipline and the findings of fact  
16 and conclusions of law supporting that order are public records.*

17 **Sec. 113.** NRS 641C.720 is hereby amended to read as  
18 follows:

19 641C.720 1. The Board or any of its members who become  
20 aware of any ground for initiating disciplinary action against a  
21 person engaging in the practice of counseling alcohol and drug  
22 abusers in this state shall, and any other person who is so aware  
23 may, file a written complaint specifying the relevant facts with the  
24 Board. The complaint must specifically charge one or more of the  
25 grounds for initiating disciplinary action.

26 2. As soon as practicable after the filing of the complaint, the  
27 Board shall set a date for a hearing thereon. The date must not be  
28 earlier than 30 days after the complaint is filed, except that the date  
29 may be changed upon agreement of the parties. The Board shall  
30 immediately notify the licensed or certified counselor or certified  
31 intern of the complaint and the date and place set for the hearing. A  
32 copy of the complaint must be attached to the notice.

33 3. The failure of the licensed or certified counselor or certified  
34 intern to appear at the hearing does not delay or void the proceeding.

35 4. The Board may, for good cause, continue a hearing from  
36 time to time.

37 5. If, after notice and a hearing, the Board determines that the  
38 licensed or certified counselor or certified intern has violated a  
39 provision of this chapter or any regulation adopted pursuant to this  
40 chapter, it may:

41 (a) Administer a public ~~for private~~ reprimand;

42 (b) Suspend his license or certificate and impose conditions for  
43 the removal of the suspension;

44 (c) Revoke his license or certificate and prescribe the  
45 requirements for the reinstatement of the license or certificate;



1 (d) If he is a licensed or certified counselor, require him to be  
2 supervised by another person while he engages in the practice of  
3 counseling alcohol and drug abusers;

4 (e) Require him to participate in treatment or counseling and pay  
5 the expenses of that treatment or counseling;

6 (f) Require him to pay restitution to any person adversely  
7 affected by his acts or omissions;

8 (g) Impose a fine of not more than \$5,000; *or*

9 (h) ~~Require him to pay the costs of the Board for the  
10 investigation and hearing; or~~

11 ~~(i)~~ Take any combination of the actions authorized by  
12 paragraphs (a) to ~~(h)~~, (g), inclusive.

13 6. If his license or certificate is revoked or suspended pursuant  
14 to subsection 5, the licensed or certified counselor or certified intern  
15 may apply to the Board for a rehearing within 10 days after the  
16 license or certificate is revoked or suspended. The licensed or  
17 certified counselor or certified intern may apply to the Board for  
18 reinstatement of his revoked license or certificate not earlier than 1  
19 year after the license or certificate is revoked. The Board may  
20 accept or reject the application and may require the successful  
21 completion of an examination as a condition of reinstatement of the  
22 license or certificate.

23 *7. The Board shall not administer a private reprimand.*

24 *8. An order that imposes discipline and the findings of fact  
25 and conclusions of law supporting that order are public records.*

26 **Sec. 114.** NRS 641C.760 is hereby amended to read as  
27 follows:

28 641C.760 1. ~~Any~~ *Except as otherwise provided in this  
29 section, any* records or information obtained during the course of an  
30 investigation by the Board and any record of the investigation are  
31 confidential. ~~until the investigation is completed. Upon completion  
32 of the investigation, the information and records are public records  
33 if:~~

34 ~~(a) Disciplinary action is imposed by the Board as a result of the  
35 investigation; or~~

36 ~~(b) The person regarding whom the investigation was made  
37 submits a written request to the Board asking that the information  
38 and records be made public records.]~~

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

43 *3. If the Board receives a request or subpoena for records or  
44 information obtained during an investigation by the Board and the  
45 records or information is not made public pursuant to subsection [1,]*



1 **2,** the Board shall notify the person regarding whom the  
2 investigation was made of the request or subpoena. If that person  
3 does not consent in writing to the release of the records or  
4 information, the Board may release the records or information only  
5 upon the order of a court of competent jurisdiction.

6 **Sec. 115.** Chapter 642 of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8 *1. Except as otherwise provided in this section, a complaint*  
9 *filed with the Board, all documents and other information filed*  
10 *with the complaint and all documents and other information*  
11 *compiled as a result of an investigation conducted to determine*  
12 *whether to initiate disciplinary action are confidential.*

13 *2. The complaint or other document filed by the Board to*  
14 *initiate disciplinary action and all documents and information*  
15 *considered by the Board when determining whether to impose*  
16 *discipline are public records.*

17 **Sec. 116.** NRS 642.135 is hereby amended to read as follows:

18 642.135 **1.** If the Board determines that a person who is  
19 licensed to practice the profession of embalming pursuant to this  
20 chapter has committed any of the acts set forth in NRS 642.130, the  
21 Board may:

- 22 ~~1-1~~ (a) Refuse to renew his license;
- 23 ~~2-1~~ (b) Revoke his license;
- 24 ~~3-1~~ (c) Suspend his license for a definite period or until further  
25 order of the Board;
- 26 ~~4-1~~ (d) Impose a fine of not more than \$5,000 for each act  
27 which constitutes a ground for disciplinary action;
- 28 ~~5-1~~ (e) Place him on probation for a definite period subject to  
29 any reasonable conditions imposed by the Board;
- 30 ~~6-1~~ (f) Administer a public ~~for private reprimand;~~
- 31 ~~7-1~~ ~~Require him to pay the costs incurred by the Board in taking~~  
32 ~~disciplinary action against him; or~~
- 33 ~~8-1~~ ~~reprimand; or~~
- 34 (g) Impose any combination of disciplinary actions set forth in  
35 this section.

36 *2. The Board shall not administer a private reprimand.*

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

39 **Sec. 117.** NRS 642.473 is hereby amended to read as follows:

40 642.473 **1.** If the Board determines that a person who holds a  
41 funeral director's license, a permit to operate a funeral establishment  
42 or a license to conduct direct cremations or immediate burials has  
43 committed any of the acts set forth in NRS 642.470, the Board may:

- 44 (a) Refuse to renew his license or permit;
- 45 (b) Revoke his license or permit;



1 (c) Suspend his license or permit for a definite period or until  
2 further order of the Board;

3 (d) Impose a fine of not more than \$5,000 for each act that  
4 constitutes a ground for disciplinary action;

5 (e) Place him on probation for a definite period subject to any  
6 reasonable conditions imposed by the Board;

7 (f) Administer a public ~~for private~~ reprimand; *or*

8 (g) ~~Require him to pay the costs incurred by the Board in taking  
9 disciplinary action against him; or~~

10 ~~(h)~~ Impose any combination of disciplinary actions set forth in  
11 paragraphs (a) to ~~(g)~~ (f), inclusive.

12 2. Before the Board may refuse to renew, or suspend or revoke  
13 a license or permit for any of the acts set forth in NRS 642.470, the  
14 Board shall give at least 10 days' notice in writing to the licensee or  
15 holder of the permit. The notice must contain a brief statement of  
16 the reasons for the proposed action of the Board and designate a  
17 time and place for a hearing before any final action is taken.

18 *3. The Board shall not administer a private reprimand.*

19 *4. An order that imposes discipline and the findings of fact  
20 and conclusions of law supporting that order are public records.*

21 **Sec. 118.** Chapter 643 of NRS is hereby amended by adding  
22 thereto a new section to read as follows:

23 *1. Except as otherwise provided in this section, a complaint  
24 filed with the Board, all documents and other information filed  
25 with the complaint and all documents and other information  
26 compiled as a result of an investigation conducted to determine  
27 whether to initiate disciplinary action are confidential.*

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

32 **Sec. 119.** NRS 643.185 is hereby amended to read as follows:

33 643.185 1. The following are grounds for disciplinary action  
34 by the Board:

35 (a) Violation by any person licensed pursuant to the provisions  
36 of this chapter of any provision of this chapter or the regulations  
37 adopted by the Board.

38 (b) Conviction of a felony.

39 (c) Malpractice or incompetency.

40 (d) Continued practice by a person knowingly having an  
41 infectious or contagious disease.

42 (e) Advertising, practicing or attempting to practice under  
43 another's name or trade name.

44 (f) Drunkenness or addiction to a controlled substance.





1 2. If the Board determines that a violation of this section has  
2 occurred, it may:

- 3 (a) Refuse to issue or renew a license;  
4 (b) Revoke or suspend a license; *and*  
5 (c) Impose a fine of not more than \$1,000. ~~}; and~~  
6 ~~(d) Require the person to pay all costs incurred by the Board~~  
7 ~~relating to the discipline of the person.]~~

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

10 **Sec. 120.** Chapter 644 of NRS is hereby amended by adding  
11 thereto a new section to read as follows:

12 *1. Except as otherwise provided in this section, a complaint*  
13 *filed with the Board, all documents and other information filed*  
14 *with the complaint and all documents and other information*  
15 *compiled as a result of an investigation conducted to determine*  
16 *whether to initiate disciplinary action are confidential.*

17 *2. The complaint or other document filed by the Board to*  
18 *initiate disciplinary action and all documents and information*  
19 *considered by the Board when determining whether to impose*  
20 *discipline are public records.*

21 **Sec. 121.** NRS 644.080 is hereby amended to read as follows:

22 644.080 The Board:

23 1. Shall prescribe the duties of its officers, examiners and  
24 employees, and fix the compensation of those employees.

25 2. May establish offices in as many localities in the State as it  
26 finds necessary to carry out the provisions of this chapter. All  
27 records and files of the Board must be kept at the main office of the  
28 Board and *, except as otherwise provided in section 120 of this act,*  
29 be open to public inspection at all reasonable hours.

30 3. May adopt a seal.

31 4. May issue subpoenas to compel the attendance of witnesses  
32 and the production of books and papers.

33 **Sec. 122.** NRS 644.430 is hereby amended to read as follows:

34 644.430 1. The following are grounds for disciplinary action  
35 by the Board:

36 (a) Failure of an owner of a cosmetological establishment, a  
37 licensed aesthetician, cosmetologist, hair designer, electrologist,  
38 instructor, manicurist, demonstrator of cosmetics or school of  
39 cosmetology, or a cosmetologist's apprentice to comply with the  
40 requirements of this chapter or the applicable regulations adopted by  
41 the Board.

42 (b) Obtaining practice in cosmetology or any branch thereof, for  
43 money or any thing of value, by fraudulent misrepresentation.

44 (c) Gross malpractice.



1 (d) Continued practice by a person knowingly having an  
2 infectious or contagious disease.

3 (e) Drunkenness or the use or possession, or both, of a  
4 controlled substance or dangerous drug without a prescription, while  
5 engaged in the practice of cosmetology.

6 (f ) Advertisement by means of knowingly false or deceptive  
7 statements.

8 (g) Permitting a license to be used where the holder thereof is  
9 not personally, actively and continuously engaged in business.

10 (h) Failure to display the license as provided in NRS 644.290,  
11 644.360 and 644.410.

12 (i) Entering, by a school of cosmetology, into an unconscionable  
13 contract with a student of cosmetology.

14 (j ) Continued practice of cosmetology or operation of a  
15 cosmetological establishment or school of cosmetology after the  
16 license therefor has expired.

17 (k) Any other unfair or unjust practice, method or dealing  
18 which, in the judgment of the Board, may justify such action.

19 2. If the Board determines that a violation of this section has  
20 occurred, it may:

21 (a) Refuse to issue or renew a license;

22 (b) Revoke or suspend a license;

23 (c) Place the licensee on probation for a specified period; or

24 (d) Impose a fine not to exceed \$1,000.

25 **3. *An order that imposes discipline and the findings of fact***  
26 ***and conclusions of law supporting that order are public records.***

27 **Sec. 123.** Chapter 645 of NRS is hereby amended by adding  
28 thereto a new section to read as follows:

29 **1. *Except as otherwise provided in this section, a complaint***  
30 ***filed with the Commission alleging a violation of this chapter, all***  
31 ***documents and other information filed with the complaint and all***  
32 ***documents and other information compiled as a result of an***  
33 ***investigation conducted to determine whether to initiate***  
34 ***disciplinary action are confidential.***

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

39 **Sec. 124.** NRS 645.180 is hereby amended to read as follows:

40 645.180 1. The Division shall adopt a seal by which it shall  
41 authenticate its proceedings.

42 2. ~~Records~~ ***Except as otherwise provided in section 123 of***  
43 ***this act, records*** kept in the office of the Division under authority of  
44 this chapter are open to public inspection under regulations adopted



1 by the ~~Real Estate~~ Division, except that the Division may refuse to  
2 make public, unless ordered to do so by a court:

3 (a) Real estate brokers' and real estate salesmen's examinations;  
4 *and*

5 (b) ~~Files compiled by the Division while investigating possible~~  
6 ~~violations of this chapter or chapter 119 of NRS; and~~

7 ~~—(c)~~ The criminal and financial records of licensees, applicants  
8 for licenses and owner-developers.

9 3. Copies of all records and papers in the office of the Division,  
10 certified and authenticated by the seal of the Division, must be  
11 received in evidence in all courts equally and with like effect as the  
12 originals.

13 **Sec. 125.** NRS 645.630 is hereby amended to read as follows:

14 645.630 *1.* The Commission may require a licensee, property  
15 manager or owner-developer to pay an administrative fine of not  
16 more than \$5,000 for each violation he commits or suspend, revoke,  
17 deny the renewal of or place conditions upon his license, permit or  
18 registration, or impose any combination of those actions, at any time  
19 if the licensee, property-manager or owner-developer has, by false  
20 or fraudulent representation, obtained a license, permit or  
21 registration, or the licensee, property manager or owner-developer,  
22 whether or not acting as such, is found guilty of:

23 ~~1-1~~ (a) Making any material misrepresentation.

24 ~~2-1~~ (b) Making any false promises of a character likely to  
25 influence, persuade or induce.

26 ~~3-1~~ (c) Accepting a commission or valuable consideration as a  
27 real estate broker-salesman or salesman for the performance of any  
28 of the acts specified in this chapter or chapter 119 or 119A of NRS  
29 from any person except the licensed real estate broker with whom he  
30 is associated or the owner-developer by whom he is employed.

31 ~~4-1~~ (d) Representing or attempting to represent a real estate  
32 broker other than the broker with whom he is associated, without the  
33 express knowledge and consent of the broker with whom he is  
34 associated.

35 ~~5-1~~ (e) Failing to maintain, for review and audit by the  
36 Division, each brokerage agreement governed by the provisions of  
37 this chapter and entered into by the licensee.

38 ~~6-1~~ (f) Failing, within a reasonable time, to account for or to  
39 remit any money which comes into his possession and which  
40 belongs to others.

41 ~~7-1~~ (g) If he is required to maintain a trust account:

42 ~~(a)~~ (1) Failing to balance the trust account at least monthly;  
43 and

44 ~~(b)~~ (2) Failing to submit to the Division an annual accounting  
45 of the trust account as required in NRS 645.310.



1 ~~[8.]~~ (h) Commingling the money or other property of his clients  
2 with his own or converting the money of others to his own use.

3 ~~[9.]~~ (i) In the case of a broker-salesman or salesman, failing to  
4 place in the custody of his licensed broker or owner-developer, as  
5 soon as possible, any deposit or other money or consideration  
6 entrusted to him by any person dealing with him as the  
7 representative of his licensed broker.

8 ~~[10.]~~ (j) Accepting other than cash as earnest money unless that  
9 fact is communicated to the owner before his acceptance of the offer  
10 to purchase and that fact is shown in the receipt for the earnest  
11 money.

12 ~~[11.]~~ (k) Upon acceptance of an agreement, in the case of a  
13 broker, failing to deposit any check or cash received as earnest  
14 money before the end of the next banking day unless otherwise  
15 provided in the purchase agreement.

16 ~~[12.]~~ (l) Inducing any party to a brokerage agreement, sale or  
17 lease to break it in order to substitute a new brokerage agreement,  
18 agreement of sale or lease with the same or another party if the  
19 inducement to make the substitution is offered to secure personal  
20 gain to the licensee or owner-developer.

21 ~~[If discipline is imposed pursuant to this section, the costs of the  
22 proceeding, including investigative costs and attorney's fees, may  
23 be recovered by the Board.]~~

24 **2. An order that imposes discipline and the findings of fact  
25 and conclusions of law supporting that order are public records.**

26 **Sec. 126.** NRS 645.990 is hereby amended to read as follows:

27 645.990 1. A person who:

28 (a) Obtains or attempts to obtain a license pursuant to this  
29 chapter by means of intentional misrepresentation, deceit or fraud;  
30 or

31 (b) Sells or attempts to sell in this state any interest in real  
32 property by means of intentional misrepresentation, deceit or  
33 fraud,

34 is guilty of a category D felony and shall be punished as provided in  
35 NRS 193.130. In addition to any other penalty, the court shall order  
36 the person to pay restitution.

37 2. Any licensee, permittee or owner-developer who commits an  
38 act described in NRS 645.630, 645.633 or 645.635 shall be punished  
39 by a fine of not more than \$5,000 for each offense.

40 3. A person who violates any other provision of this chapter, if  
41 a natural person, is guilty of a gross misdemeanor, and if a limited-  
42 liability company, partnership, association or corporation, shall be  
43 punished by a fine of not more than \$2,500.

44 4. Any officer or agent of a corporation, or member or agent of  
45 a limited-liability company, partnership or association, who



1 personally participates in or is an accessory to any violation of this  
2 chapter by the limited-liability company, partnership, association or  
3 corporation, is subject to the penalties prescribed in this section for  
4 natural persons.

5 5. The provisions of this section do not release a person from  
6 civil liability or criminal prosecution pursuant to the general laws of  
7 this state.

8 6. The Administrator may prefer a complaint for violation of  
9 NRS 645.230 before any court of competent jurisdiction and may  
10 take the necessary legal steps through the proper legal officers of  
11 this state to enforce the provisions thereof.

12 7. Any court of competent jurisdiction may try any violation of  
13 this chapter, and upon conviction, the court may revoke or suspend  
14 the license of the person so convicted, in addition to imposing the  
15 other penalties provided in this section.

16 ~~[8. If discipline is imposed pursuant to this section, the costs of~~  
17 ~~the proceeding, including investigative costs and attorney's fees,~~  
18 ~~may be recovered by the Administrator.]~~

19 **Sec. 127.** Chapter 645A of NRS is hereby amended by adding  
20 thereto a new section to read as follows:

21 *1. Except as otherwise provided in this section, a complaint*  
22 *filed with the Commissioner, all documents and other information*  
23 *filed with the complaint and all documents and other information*  
24 *compiled as a result of the investigation conducted to determine*  
25 *whether to initiate disciplinary action are confidential.*

26 *2. The complaint or other document filed by the*  
27 *Commissioner to initiate disciplinary action and all documents*  
28 *and information considered by the Commissioner when*  
29 *determining whether to impose discipline are public records.*

30 **Sec. 128.** NRS 645A.050 is hereby amended to read as  
31 follows:

32 645A.050 1. Subject to the administrative control of the  
33 Director of the Department of Business and Industry, the  
34 Commissioner shall exercise general supervision and control over  
35 escrow agents and agencies doing business in the State of Nevada.

36 2. In addition to the other duties imposed upon him by law, the  
37 Commissioner shall:

38 (a) Adopt such regulations as may be necessary for making this  
39 chapter effective.

40 (b) Conduct or cause to be conducted each year an examination  
41 of each escrow agency licensed pursuant to this chapter.

42 (c) Conduct such investigations as may be necessary to  
43 determine whether any person has violated any provision of this  
44 chapter.



1 (d) Conduct such examinations, investigations and hearings, in  
2 addition to those specifically provided for by law, as may be  
3 necessary and proper for the efficient administration of the laws of  
4 this state relating to escrow.

5 (e) Classify as confidential the financial statements of an escrow  
6 agency and those records and information obtained by the Division  
7 which:

8 (1) Are obtained from a governmental agency upon the  
9 express condition that they remain confidential.

10 (2) ~~Consist~~ *Except as otherwise provided in section 127 of*  
11 *this act, consist* of information compiled by the Division in the  
12 investigation of possible violations of this chapter.

13 This paragraph does not limit examination by the Legislative  
14 Auditor or any other person pursuant to a court order.

15 3. An escrow agency may engage a certified public accountant  
16 to perform such an examination in lieu of the Division. In such a  
17 case, the examination must be equivalent to the type of examination  
18 made by the Division and the expense must be borne by the escrow  
19 agency being examined.

20 4. The Commissioner shall determine whether an examination  
21 performed by an accountant pursuant to subsection 3 is equivalent to  
22 an examination conducted by the Division. The Commissioner may  
23 examine any area of the operation of an escrow agency if the  
24 Commissioner determines that the examination of that area is not  
25 equivalent to an examination conducted by the Division.

26 **Sec. 129.** NRS 645A.090 is hereby amended to read as  
27 follows:

28 645A.090 1. The Commissioner may refuse to license any  
29 escrow agent or agency or may suspend or revoke any license or  
30 impose a fine of not more than \$500 for each violation by entering  
31 an order to that effect, with his findings in respect thereto, if upon a  
32 hearing, it is determined that the applicant or licensee:

33 (a) In the case of an escrow agency, is insolvent;

34 (b) Has violated any provision of this chapter or any regulation  
35 adopted pursuant thereto or has aided and abetted another to do so;

36 (c) In the case of an escrow agency, is in such a financial  
37 condition that he cannot continue in business with safety to his  
38 customers;

39 (d) Has committed fraud in connection with any transaction  
40 governed by this chapter;

41 (e) Has intentionally or knowingly made any misrepresentation  
42 or false statement to, or concealed any essential or material fact  
43 from, any principal or designated agent of a principal in the course  
44 of the escrow business;



- 1 (f) Has intentionally or knowingly made or caused to be made to  
2 the Commissioner any false representation of a material fact or has  
3 suppressed or withheld from the Commissioner any information  
4 which the applicant or licensee possesses;
- 5 (g) Has failed without reasonable cause to furnish to the parties  
6 of an escrow their respective statements of the settlement within a  
7 reasonable time after the close of escrow;
- 8 (h) Has failed without reasonable cause to deliver, within a  
9 reasonable time after the close of escrow, to the respective parties of  
10 an escrow transaction any money, documents or other properties  
11 held in escrow in violation of the provisions of the escrow  
12 instructions;
- 13 (i) Has refused to permit an examination by the Commissioner  
14 of his books and affairs or has refused or failed, within a reasonable  
15 time, to furnish any information or make any report that may be  
16 required by the Commissioner pursuant to the provisions of this  
17 chapter;
- 18 (j) Has been convicted of a felony or any misdemeanor of which  
19 an essential element is fraud;
- 20 (k) In the case of an escrow agency, has failed to maintain  
21 complete and accurate records of all transactions within the last 6  
22 years;
- 23 (l) Has commingled the money of others with his own or  
24 converted the money of others to his own use;
- 25 (m) Has failed, before the close of escrow, to obtain written  
26 escrow instructions concerning any essential or material fact or  
27 intentionally failed to follow the written instructions which have  
28 been agreed upon by the parties and accepted by the holder of the  
29 escrow;
- 30 (n) Has failed to disclose in writing that he is acting in the dual  
31 capacity of escrow agent or agency and undisclosed principal in any  
32 transaction; or
- 33 (o) In the case of an escrow agency, has:
- 34 (1) Failed to maintain adequate supervision of an escrow  
35 agent; or
- 36 (2) Instructed an escrow agent to commit an act which would  
37 be cause for the revocation of the escrow agent's license and the  
38 escrow agent committed the act. An escrow agent is not subject to  
39 disciplinary action for committing such an act under instruction by  
40 the escrow agency.
- 41 2. It is sufficient cause for the imposition of a fine or the  
42 refusal, suspension or revocation of the license of a partnership,  
43 corporation or any other association that any member of the  
44 partnership or any officer or director of the corporation or  
45 association has been guilty of any act or omission which would be



1 cause for such action had the applicant or licensee been a natural  
2 person.

3 3. The Commissioner may suspend any license for not more  
4 than 30 days, pending a hearing, if upon examination into the affairs  
5 of the licensee it is determined that any of the grounds enumerated  
6 in subsection 1 or 2 exist.

7 4. The Commissioner may refuse to issue a license to any  
8 person who, within 10 years before the date of applying for a current  
9 license, has had suspended or revoked a license issued pursuant to  
10 this chapter or a comparable license issued by any other state,  
11 district or territory of the United States or any foreign country.

12 **5. *An order that imposes discipline and the findings of fact***  
13 ***and conclusions of law supporting that order are public records.***

14 **Sec. 130.** Chapter 645B of NRS is hereby amended by adding  
15 thereto a new section to read as follows:

16 **1. *Except as otherwise provided in this section, a complaint***  
17 ***filed with the Commissioner, all documents and other information***  
18 ***filed with the complaint and all documents and other information***  
19 ***compiled as a result of an investigation conducted to determine***  
20 ***whether to initiate disciplinary action are confidential.***

21 **2. *The complaint or other document filed by the***  
22 ***Commissioner to initiate disciplinary action and all documents***  
23 ***and information considered by the Commissioner when***  
24 ***determining whether to impose discipline are public records.***

25 **3. *An order that imposes discipline and the findings of fact***  
26 ***and conclusions of law supporting that order are public records.***

27 **Sec. 131.** NRS 645B.070 is hereby amended to read as  
28 follows:

29 645B.070 1. In the conduct of any examination, periodic or  
30 special audit, investigation or hearing, the Commissioner may:

31 (a) Compel the attendance of any person by subpoena.

32 (b) Administer oaths.

33 (c) Examine any person under oath concerning the business and  
34 conduct of affairs of any person subject to the provisions of this  
35 chapter and in connection therewith require the production of any  
36 books, records or papers relevant to the inquiry.

37 2. Any person subpoenaed under the provisions of this section  
38 who willfully refuses or willfully neglects to appear at the time and  
39 place named in the subpoena or to produce books, records or papers  
40 required by the Commissioner, or who refuses to be sworn or  
41 answer as a witness, is guilty of a misdemeanor and shall be  
42 punished as provided in NRS 645B.950.

43 3. ~~The~~ ***In addition to the authority to recover attorney's fees***  
44 ***and costs pursuant to any other statute, the*** Commissioner may  
45 assess against and collect from a person all costs, including, without





1 limitation, reasonable attorney's fees, that are attributable to any  
2 examination, periodic or special audit, investigation or hearing that  
3 is conducted to examine or investigate the conduct, activities or  
4 business of the person pursuant to this chapter.

5 **Sec. 132.** NRS 645B.090 is hereby amended to read as  
6 follows:

7 645B.090 1. Except as otherwise provided in this section or  
8 by specific statute, all papers, documents, reports and other written  
9 instruments filed with the Commissioner pursuant to this chapter are  
10 open to public inspection.

11 2. Except as otherwise provided in subsection 3, the  
12 Commissioner may withhold from public inspection or refuse to  
13 disclose to a person, for such time as the Commissioner considers  
14 necessary, any information that, in his judgment, would:

15 (a) Impede or otherwise interfere with an investigation that is  
16 currently pending against a mortgage broker;

17 (b) Have an undesirable effect on the welfare of the public or the  
18 welfare of any mortgage broker or mortgage agent; or

19 (c) Give any mortgage broker a competitive advantage over any  
20 other mortgage broker.

21 3. ~~[The]~~ *Except as otherwise provided in section 130 of this*  
22 *act, the* Commissioner shall disclose the following information  
23 concerning a mortgage broker to any person who requests it:

24 (a) The findings and results of any investigation which has been  
25 completed during the immediately preceding 5 years against the  
26 mortgage broker pursuant to the provisions of this chapter and  
27 which has resulted in a finding by the Commissioner that the  
28 mortgage broker committed a violation of a provision of this  
29 chapter, a regulation adopted pursuant to this chapter or an order of  
30 the Commissioner; and

31 (b) The nature of any disciplinary action that has been taken  
32 during the immediately preceding 5 years against the mortgage  
33 broker pursuant to the provisions of this chapter.

34 **Sec. 133.** NRS 645B.610 is hereby amended to read as  
35 follows:

36 645B.610 1. If a person properly files a complaint with the  
37 Commissioner pursuant to NRS 645B.600, the Commissioner shall  
38 investigate each violation alleged in the complaint, unless the  
39 Commissioner has previously investigated the alleged violation.

40 2. Except as otherwise provided in subsection 2 of NRS  
41 645B.090, if the Commissioner does not conduct an investigation of  
42 an alleged violation pursuant to subsection 1 because he previously  
43 has investigated the alleged violation, the Commissioner shall  
44 provide to the person who filed the complaint a written summary of



1 the previous investigation and the nature of any disciplinary action  
2 that was taken as a result of the previous investigation.

3 3. If the Commissioner conducts an investigation of an alleged  
4 violation pursuant to subsection 1, the Commissioner shall  
5 determine from the investigation whether there is reasonable cause  
6 to believe that the person committed the alleged violation.

7 4. If, upon investigation, the Commissioner determines that  
8 there is not reasonable cause to believe that the person committed  
9 the alleged violation, the Commissioner shall provide the reason for  
10 his determination, in writing, to the person who filed the complaint  
11 and to the person alleged to have committed the violation.

12 5. Except as otherwise provided in subsection 6, if, upon  
13 investigation, the Commissioner determines that there is reasonable  
14 cause to believe that the person committed the alleged violation, the  
15 Commissioner shall:

16 (a) Schedule a hearing concerning the alleged violation;  
17 (b) Mail to the last known address of the person who filed the  
18 complaint written notice that must include, without limitation:

19 (1) The date, time and place of the hearing; and  
20 (2) A statement of each alleged violation that will be  
21 considered at the hearing; and

22 (c) By personal service in accordance with the Nevada Rules of  
23 Civil Procedure and any applicable provision of NRS, serve written  
24 notice of the hearing to the person alleged to have committed the  
25 violation. The written notice that is served pursuant to this  
26 paragraph must include, without limitation:

27 (1) The date, time and place of the hearing;  
28 (2) A copy of the complaint and a statement of each alleged  
29 violation that will be considered at the hearing; and

30 (3) A statement informing the person that, pursuant to NRS  
31 645B.760, if he fails to appear, without reasonable cause, at the  
32 hearing:

33 (I) He is guilty of a misdemeanor; and

34 (II) The Commissioner is authorized to conduct the  
35 hearing in his absence, draw any conclusions that the Commissioner  
36 deems appropriate from his failure to appear and render a decision  
37 concerning each alleged violation.

38 6. ~~{The Commissioner is not required to schedule or conduct a~~  
39 ~~hearing concerning an alleged violation pursuant to subsection 5 if~~  
40 ~~the Commissioner and the person alleged to have committed the~~  
41 ~~violation enter} *If the Commissioner enters* into a written consent  
42 agreement settling or resolving the alleged violation , ~~{-If such a~~  
43 ~~written consent agreement is executed,}~~ the Commissioner shall  
44 provide a copy of the written consent agreement to the person who  
45 filed the complaint.~~



- 1 7. The Commissioner may:  
2 (a) Investigate and conduct a hearing concerning any alleged  
3 violation, whether or not a complaint has been filed.  
4 (b) Hear and consider more than one alleged violation against a  
5 person at the same hearing.

6 **Sec. 134.** Chapter 645C of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8 *1. Except as otherwise provided in this section, a complaint*  
9 *filed with the Commission, all documents and other information*  
10 *filed with the complaint and all documents and other information*  
11 *compiled as a result of an investigation conducted to determine*  
12 *whether to initiate disciplinary action are confidential.*

13 *2. The complaint or other document filed by the Commission*  
14 *to initiate disciplinary action and all documents and information*  
15 *considered by the Commission when determining whether to*  
16 *impose discipline are public records.*

17 **Sec. 135.** NRS 645C.220 is hereby amended to read as  
18 follows:

19 645C.220 1. The Division shall maintain a record of:

- 20 (a) Persons whose applications for a certificate, license or  
21 registration card have been denied;  
22 (b) Investigations conducted by it which result in the initiation  
23 of formal disciplinary proceedings;  
24 (c) Formal disciplinary proceedings; and  
25 (d) Rulings or decisions upon complaints filed with it.

26 2. Except as otherwise provided in this section, *and section*  
27 *134 of this act*, records kept in the office of the Division pursuant to  
28 this chapter are open to the public for inspection pursuant to  
29 regulations adopted by the Commission. The Division may keep  
30 confidential, unless otherwise ordered by a court:

- 31 (a) Examinations for a certificate or license; *and*  
32 (b) ~~Information obtained by the Division while investigating~~  
33 ~~alleged violations of this chapter; and~~  
34 ~~(e)}~~ The criminal and financial records of an appraiser or intern,  
35 or an applicant for a certificate, license or registration card.

36 **Sec. 136.** NRS 645C.460 is hereby amended to read as  
37 follows:

38 645C.460 1. Grounds for disciplinary action against a  
39 certified or licensed appraiser or registered intern include:

- 40 (a) Unprofessional conduct;  
41 (b) Professional incompetence;  
42 (c) A criminal conviction for a felony or any offense involving  
43 moral turpitude; and



1 (d) The suspension or revocation of a registration card,  
2 certificate, license or permit to act as an appraiser in any other  
3 jurisdiction.

4 2. If grounds for disciplinary action against an appraiser or  
5 intern exist, the Commission may do one or more of the following:

6 (a) Revoke or suspend his certificate, license or registration  
7 card.

8 (b) Place conditions upon his certificate, license or registration  
9 card, or upon the reissuance of a certificate, license or registration  
10 card revoked pursuant to this section.

11 (c) Deny the renewal of his certificate, license or registration  
12 card.

13 (d) Impose a fine of not more than \$1,000 for each violation.

14 3. If a certificate, license or registration card is revoked by the  
15 Commission, another certificate, license or registration card must  
16 not be issued to the same appraiser or intern for at least 1 year after  
17 the date of the revocation, or at any time thereafter except in the sole  
18 discretion of the Administrator, and then only if the appraiser or  
19 intern satisfies all the requirements for an original certificate, license  
20 or registration card.

21 4. ~~If discipline is imposed pursuant to this section, the costs of~~  
22 ~~the proceeding, including investigative costs and attorney's fees,~~  
23 ~~may be recovered by the Commission.] An order that imposes~~  
24 ~~discipline and the findings of fact and conclusions of law~~  
25 ~~supporting that order are public records.~~

26 **Sec. 137.** Chapter 645D of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28 *1. Except as otherwise provided in this section, a complaint*  
29 *filed with the Division, all documents and other information filed*  
30 *with the complaint and all documents and other information*  
31 *compiled as a result of an investigation conducted to determine*  
32 *whether to initiate disciplinary action are confidential.*

33 *2. The complaint or other document filed by the Division to*  
34 *initiate disciplinary action and all documents and information*  
35 *considered by the Division when determining whether to impose*  
36 *discipline are public records.*

37 **Sec. 138.** NRS 645D.130 is hereby amended to read as  
38 follows:

39 645D.130 1. The Division shall maintain a record of:

40 (a) Persons from whom it receives applications for a certificate;

41 (b) Investigations conducted by it that result in the initiation of  
42 formal disciplinary proceedings;

43 (c) Formal disciplinary proceedings; and

44 (d) Rulings or decisions upon complaints filed with it.



1 2. Except as otherwise provided in this section ~~[ ]~~ and section  
2 *137 of this act*, records kept in the office of the Division pursuant to  
3 this chapter are open to the public for inspection pursuant to  
4 regulations adopted by the Division. The Division shall keep  
5 confidential, unless otherwise ordered by a court ~~[ ]~~  
6 ~~(a) Information obtained by the Division while investigating~~  
7 ~~alleged violations of this chapter; and~~  
8 ~~(b) The ]~~, the criminal and financial records of an inspector or of  
9 an applicant for a certificate.

10 **Sec. 139.** NRS 645D.700 is hereby amended to read as  
11 follows:

12 645D.700 1. Grounds for disciplinary action against a  
13 certified inspector are:

- 14 (a) Unprofessional conduct;
- 15 (b) Professional incompetence; and
- 16 (c) A criminal conviction for a felony or any offense involving  
17 moral turpitude.

18 2. If grounds for disciplinary action against a certified  
19 inspector exist, the Division may, after providing the inspector with  
20 notice and an opportunity for a hearing, do one or more of the  
21 following:

- 22 (a) Revoke or suspend his certificate.
- 23 (b) Place conditions upon his certificate or upon the reissuance  
24 of a certificate revoked pursuant to this section.
- 25 (c) Deny the renewal of his certificate
- 26 (d) Impose a fine of not more than \$1,000 for each violation.

27 3. If a certificate is revoked by the Division, another certificate  
28 must not be issued to the same inspector for at least 1 year after the  
29 date of the revocation, or at any time thereafter except in the sole  
30 discretion of the Administrator, and then only if the inspector  
31 satisfies the requirements for an original certificate.

32 *4. An order that imposes discipline and the findings of fact*  
33 *and conclusions of law supporting that order are public records.*

34 **Sec. 140.** Chapter 645E of NRS is hereby amended by adding  
35 thereto a new section to read as follows:

36 *1. Except as otherwise provided in this section, a complaint*  
37 *filed with the Commissioner, all documents and other information*  
38 *filed with the complaint and all documents and other information*  
39 *compiled as a result of an investigation conducted to determine*  
40 *whether to initiate disciplinary action are confidential.*

41 *2. The complaint or other document filed by the*  
42 *Commissioner to initiate disciplinary action and all documents*  
43 *and information considered by the Commissioner when*  
44 *determining whether to impose discipline are public records.*



1     **Sec. 141.** NRS 645E.310 is hereby amended to read as  
2 follows:

3     645E.310 1. In the conduct of any examination, periodic or  
4 special audit, investigation or hearing, the Commissioner may:

5       (a) Compel the attendance of any person by subpoena.

6       (b) Administer oaths.

7       (c) Examine any person under oath concerning the business and  
8 conduct of affairs of any person subject to the provisions of this  
9 chapter and , in connection therewith , require the production of any  
10 books, records or papers relevant to the inquiry.

11     2. Any person subpoenaed under the provisions of this section  
12 who willfully refuses or willfully neglects to appear at the time and  
13 place named in the subpoena or to produce books, records or papers  
14 required by the Commissioner, or who refuses to be sworn or  
15 answer as a witness, is guilty of a misdemeanor.

16     3. ~~[The]~~ *In addition to the authority to recover attorney's fees  
17 and costs pursuant to any other statute, the* Commissioner may  
18 assess against and collect from a person all costs, including, without  
19 limitation, reasonable attorney's fees, that are attributable to any  
20 examination, periodic or special audit, investigation or hearing that  
21 is conducted to examine or investigate the conduct, activities or  
22 business of the person pursuant to this chapter.

23     **Sec. 142.** NRS 645E.670 is hereby amended to read as  
24 follows:

25     645E.670 1. For each violation committed by an applicant,  
26 whether or not he is issued a license, the Commissioner may impose  
27 upon the applicant an administrative fine of not more than \$10,000,  
28 if the applicant:

29       (a) Has knowingly made or caused to be made to the  
30 Commissioner any false representation of material fact;

31       (b) Has suppressed or withheld from the Commissioner any  
32 information which the applicant possesses and which, if submitted  
33 by him, would have rendered the applicant ineligible to be licensed  
34 pursuant to the provisions of this chapter; or

35       (c) Has violated any provision of this chapter, a regulation  
36 adopted pursuant to this chapter or an order of the Commissioner in  
37 completing and filing his application for a license or during the  
38 course of the investigation of his application for a license.

39     2. For each violation committed by a licensee, the  
40 Commissioner may impose upon the licensee an administrative fine  
41 of not more than \$10,000, may suspend, revoke or place conditions  
42 upon his license, or may do both, if the licensee, whether or not  
43 acting as such:

44       (a) Is insolvent;



- 1 (b) Is grossly negligent or incompetent in performing any act for  
2 which he is required to be licensed pursuant to the provisions of this  
3 chapter;
- 4 (c) Does not conduct his business in accordance with law or has  
5 violated any provision of this chapter, a regulation adopted pursuant  
6 to this chapter or an order of the Commissioner;
- 7 (d) Is in such financial condition that he cannot continue in  
8 business with safety to his customers;
- 9 (e) Has made a material misrepresentation in connection with  
10 any transaction governed by this chapter;
- 11 (f) Has suppressed or withheld from a client any material facts,  
12 data or other information relating to any transaction governed by the  
13 provisions of this chapter which the licensee knew or, by the  
14 exercise of reasonable diligence, should have known;
- 15 (g) Has knowingly made or caused to be made to the  
16 Commissioner any false representation of material fact or has  
17 suppressed or withheld from the Commissioner any information  
18 which the licensee possesses and which, if submitted by him, would  
19 have rendered the licensee ineligible to be licensed pursuant to the  
20 provisions of this chapter;
- 21 (h) Has failed to account to persons interested for all money  
22 received for a trust account;
- 23 (i) Has refused to permit an examination by the Commissioner  
24 of his books and affairs or has refused or failed, within a reasonable  
25 time, to furnish any information or make any report that may be  
26 required by the Commissioner pursuant to the provisions of this  
27 chapter or a regulation adopted pursuant to this chapter;
- 28 (j) Has been convicted of, or entered a plea of nolo contendere  
29 to, a felony or any crime involving fraud, misrepresentation or  
30 moral turpitude;
- 31 (k) Has refused or failed to pay, within a reasonable time, any  
32 fees, assessments, costs or expenses that the licensee is required to  
33 pay pursuant to this chapter or a regulation adopted pursuant to this  
34 chapter;
- 35 (l) Has failed to satisfy a claim made by a client which has been  
36 reduced to judgment;
- 37 (m) Has failed to account for or to remit any money of a client  
38 within a reasonable time after a request for an accounting or  
39 remittal;
- 40 (n) Has commingled the money or other property of a client  
41 with his own or has converted the money or property of others to his  
42 own use; or
- 43 (o) Has engaged in any other conduct constituting a deceitful,  
44 fraudulent or dishonest business practice.



1       **3. An order that imposes discipline and the findings of fact**  
2 **and conclusions of law supporting that order are public records.**

3       **Sec. 143.** NRS 648.034 is hereby amended to read as follows:

4       648.034 1. ~~[Any]~~ **Except as otherwise provided in this**  
5 **section, any records or information obtained during the course of an**  
6 **investigation of a licensee by the Board and any record of the**  
7 **investigation are confidential .** ~~[until the investigation is completed.~~  
8 ~~Upon completion of the investigation the information and records~~  
9 ~~are public records, only if:~~

10 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~  
11 ~~investigation; or~~

12 ~~—(b) The person regarding whom the investigation was made~~  
13 ~~submits a written request to the Board asking that the information~~  
14 ~~and records be made public records.]~~

15       2. **The complaint or other document filed by the Board to**  
16 **initiate disciplinary action and all documents and information**  
17 **considered by the Board when determining whether to impose**  
18 **discipline are public records.**

19       3. This section does not prevent or prohibit the Board from  
20 communicating or cooperating with another licensing board or any  
21 agency that is investigating a licensee, including a law enforcement  
22 agency.

23       **Sec. 144.** NRS 648.175 is hereby amended to read as follows:

24       648.175 1. If, after a hearing, the Board finds that cause  
25 exists, the Board may:

26       ~~[1.]~~ (a) Revoke the license of the licensee.

27       ~~[2.]~~ (b) Suspend the license of the licensee for not more than 1  
28 year for each violation.

29       ~~[3.]~~ (c) Fine the licensee not more than \$5,000 for each  
30 violation.

31       ~~[4.]~~ (d) Suspend an order authorized by this section upon such  
32 terms and conditions as the Board considers appropriate.

33       ~~[5.]~~ (e) Place the licensee on probation for not more than 2  
34 years upon such terms and conditions as the Board considers  
35 appropriate.

36       ~~[6.—Publicly or privately]~~

37       (f) **Publicly** reprimand the licensee.

38       ~~[7.]~~ (g) Affirm, modify or vacate the penalty imposed by a  
39 notice of violation.

40       ~~[8.—Require the licensee to pay all costs incurred by the Board~~  
41 ~~relating to the discipline of the licensee.]~~

42       2. **An order that imposes discipline and the findings of fact**  
43 **and conclusions of law supporting that order are public records.**





1       **Sec. 145.** Chapter 649 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in this section, a complaint*  
4 *filed with the Commissioner, all documents and other information*  
5 *filed with the complaint and all documents and other information*  
6 *compiled as a result of an investigation conducted to determine*  
7 *whether to initiate disciplinary action are confidential.*

8       2. *The complaint or other document filed by the*  
9 *Commissioner to initiate disciplinary action and all documents*  
10 *and information considered by the Commissioner when*  
11 *determining whether to impose discipline are public records.*

12       **Sec. 146.** NRS 649.395 is hereby amended to read as follows:

13       649.395 1. The Commissioner may impose an administrative  
14 fine, not to exceed \$500 for each violation, or suspend or revoke the  
15 license of a collection agency, or both impose a fine and suspend or  
16 revoke the license, by an order made in writing and filed in his  
17 office and served on the licensee by registered or certified mail at  
18 the address shown in the records of the Commissioner, if:

19       (a) The licensee is adjudged liable in any court of law for breach  
20 of any bond given under the provisions of this chapter; or

21       (b) After notice and hearing, the licensee is found guilty of:

22           (1) Fraud or misrepresentation;

23           (2) An act or omission inconsistent with the faithful  
24 discharge of his duties and obligations; or

25           (3) A violation of any provision of this chapter.

26       2. The Commissioner may suspend or revoke the license of a  
27 collection agency without notice and hearing if:

28       (a) The suspension or revocation is necessary for the immediate  
29 protection of the public; and

30       (b) The licensee is afforded a hearing to contest the suspension  
31 or revocation within 20 days after the written order of suspension or  
32 revocation is served upon the licensee.

33       3. Upon revocation of his license, all rights of the licensee  
34 under this chapter terminate, and no application may be received  
35 from any person whose license has once been revoked.

36       4. *An order that imposes discipline and the findings of fact*  
37 *and conclusions of law supporting that order are public records.*

38       **Sec. 147.** Chapter 652 of NRS is hereby amended by adding  
39 thereto a new section to read as follows:

40       1. *Except as otherwise provided in this section, a complaint*  
41 *filed with the Board, all documents and other information filed*  
42 *with the complaint and all documents and other information*  
43 *compiled as a result of an investigation conducted to determine*  
44 *whether to initiate disciplinary action are confidential.*



1       2. *The complaint or other document filed by the Board to*  
2 *initiate disciplinary action and all documents and information*  
3 *considered by the Board when determining whether to impose*  
4 *discipline are public records.*

5       3. *An order that imposes discipline and the findings of fact*  
6 *and conclusions of law supporting that order are public records.*

7       **Sec. 148.** Chapter 654 of NRS is hereby amended by adding  
8 thereto a new section to read as follows:

9       1. *Except as otherwise provided in this section, a complaint*  
10 *filed with the Board, all documents and other information filed*  
11 *with the complaint and all documents and other information*  
12 *compiled as a result of an investigation conducted to determine*  
13 *whether to initiate disciplinary action are confidential.*

14       2. *The complaint or other document filed by the Board to*  
15 *initiate disciplinary action and all documents and information*  
16 *considered by the Board when determining whether to impose*  
17 *discipline are public records.*

18       **Sec. 149.** NRS 654.110 is hereby amended to read as follows:

19       654.110 1. The Board shall:

20       (a) Develop, impose and enforce standards which must be met  
21 by persons to receive licenses as nursing facility administrators or  
22 administrators of residential facilities for groups. The standards  
23 must be designed to ensure that nursing facility administrators or  
24 persons acting as administrators of residential facilities for groups  
25 will be persons who are of good character and otherwise suitable,  
26 and who, by training or experience in their respective fields of  
27 administering health care facilities, are qualified to serve as nursing  
28 facility administrators or administrators of residential facilities for  
29 groups.

30       (b) Develop and apply appropriate techniques, including  
31 examinations and investigations, for determining whether a person  
32 meets those standards.

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

35       (d) Revoke or suspend licenses previously issued by the Board  
36 in any case if the person holding the license is determined  
37 substantially to have failed to conform to the requirements of the  
38 standards.

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

43       (f) Receive, investigate and take appropriate action with respect  
44 to any charge or complaint filed with the Board to the effect that any  
45 person licensed as a nursing facility administrator or an



1 administrator of a residential facility for groups has failed to comply  
2 with the requirements of the standards. The Board shall initiate an  
3 investigation of any charge or complaint filed with the Board within  
4 30 days after receiving the charge or complaint.

5 (g) Conduct a continuing study of:  
6 (1) Facilities for skilled nursing, facilities for intermediate  
7 care and their administrators; and  
8 (2) Residential facilities for groups and their  
9 administrators,  
10 with a view to the improvement of the standards imposed for the  
11 licensing of administrators and of procedures and methods for the  
12 enforcement of the standards.

13 (h) Conduct or approve, or both, a program of training and  
14 instruction designed to enable all persons to obtain the qualifications  
15 necessary to meet the standards set by the Board for qualification as  
16 a nursing facility administrator or an administrator of a residential  
17 facility for groups.

18 2. All the records kept by the Board, not otherwise privileged  
19 ~~or confidential~~, are public records.

20 **Sec. 150.** NRS 654.190 is hereby amended to read as follows:

21 654.190 1. The Board may, after notice and hearing, impose  
22 an administrative fine of not more than \$2,500 on and suspend or  
23 revoke the license of any nursing facility administrator or  
24 administrator of a residential facility for groups who:

25 (a) Is convicted of a felony, or of any offense involving moral  
26 turpitude.

27 (b) Has obtained his license by the use of fraud or deceit.

28 (c) Violates any of the provisions of this chapter.

29 (d) Aids or abets any person in the violation of any of the  
30 provisions of NRS 449.001 to 449.240, inclusive, as those  
31 provisions pertain to a facility for skilled nursing, facility for  
32 intermediate care or residential facility for groups.

33 (e) Violates any regulation of the Board prescribing additional  
34 standards of conduct for nursing facility administrators or  
35 administrators of residential facilities for groups.

36 2. The Board shall give a licensee against whom proceedings  
37 are brought pursuant to this section written notice of a hearing not  
38 less than 10 days before the date of the hearing.

39 3. ~~If discipline is imposed pursuant to this section, the costs of  
40 the proceeding, including investigative costs and attorney's fees,  
41 may be recovered by the Board.] An order that imposes discipline  
42 and the findings of fact and conclusions of law supporting that  
43 order are public records.~~



1       **Sec. 151.** Chapter 656 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in this section, a complaint*  
4 *filed with the Board, all documents and other information filed*  
5 *with the complaint and all documents and other information*  
6 *compiled as a result of an investigation conducted to determine*  
7 *whether to initiate disciplinary action are confidential.*

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

12       3. *An order that imposes discipline and the findings of fact*  
13 *and conclusions of law supporting that order are public records.*

14       **Sec. 152.** NRS 7.085 is hereby amended to read as follows:

15       7.085 1. If a court finds that an attorney has:

16       ~~1-~~ (a) Filed, maintained or defended a civil action or  
17 proceeding in any court in this state and such action or defense is  
18 not well-grounded in fact or is not warranted by existing law or by  
19 an argument for changing the existing law that is made in good  
20 faith; or

21       ~~2-~~ (b) Unreasonably and vexatiously extended a civil action or  
22 proceeding before any court in this state,  
23 the court shall require the attorney personally to pay the additional  
24 costs, expenses and attorney's fees reasonably incurred because of  
25 such conduct.

26       2. *The court shall liberally construe the provisions of this*  
27 *section in favor of awarding costs, expenses and attorney's fees in*  
28 *all appropriate situations. It is the intent of the Legislature that the*  
29 *court award costs, expenses and attorney's fees pursuant to this*  
30 *section and impose sanctions pursuant to Rule 11 of the Nevada*  
31 *Rules of Civil Procedure in all appropriate situations to punish for*  
32 *and deter frivolous or vexatious claims and defenses because such*  
33 *claims and defenses overburden limited judicial resources, hinder*  
34 *the timely resolution of meritorious claims and increase the costs*  
35 *of engaging in business and providing professional services to the*  
36 *public.*

37       **Sec. 153.** NRS 18.010 is hereby amended to read as follows:

38       18.010 1. The compensation of an attorney and counselor for  
39 his services is governed by agreement, express or implied, which is  
40 not restrained by law.

41       2. In addition to the cases where an allowance is authorized by  
42 specific statute, the court may make an allowance of attorney's fees  
43 to a prevailing party:

44       (a) When he has not recovered more than \$20,000; or



1 (b) Without regard to the recovery sought, when the court finds  
2 that the claim, counterclaim, cross-claim or third-party complaint or  
3 defense of the opposing party was brought *or maintained* without  
4 reasonable ground or to harass the prevailing party. *The court shall*  
5 *liberally construe the provisions of this paragraph in favor of*  
6 *awarding attorney's fees in all appropriate situations. It is the*  
7 *intent of the Legislature that the court award attorney's fees*  
8 *pursuant to this paragraph and impose sanctions pursuant to Rule*  
9 *11 of the Nevada Rules of Civil Procedure in all appropriate*  
10 *situations to punish for and deter frivolous or vexatious claims*  
11 *and defenses because such claims and defenses overburden*  
12 *limited judicial resources, hinder the timely resolution of*  
13 *meritorious claims and increase the costs of engaging in business*  
14 *and providing professional services to the public.*

15 3. In awarding attorney's fees, the court may pronounce its  
16 decision on the fees at the conclusion of the trial or special  
17 proceeding without written motion and with or without presentation  
18 of additional evidence.

19 4. Subsections 2 and 3 do not apply to any action arising out of  
20 a written instrument or agreement which entitles the prevailing party  
21 to an award of reasonable attorney's fees.

22 **Sec. 154.** NRS 41A.081 is hereby amended to read as follows:

23 41A.081 1. In an action for medical malpractice or dental  
24 malpractice, all the parties to the action, the insurers of the  
25 respective parties and the attorneys of the respective parties shall  
26 attend and participate in a settlement conference before a district  
27 judge, other than the judge assigned to the action, to ascertain  
28 whether the action may be settled by the parties before trial.

29 2. The judge before whom the settlement conference is held:

30 (a) May, for good cause shown, waive the attendance of any  
31 party.

32 (b) Shall decide what information the parties may submit at the  
33 settlement conference.

34 3. The judge shall notify the parties of the time and place of the  
35 settlement conference.

36 4. The failure of any party, his insurer or his attorney to  
37 participate in good faith in the settlement conference is grounds for  
38 sanctions , *including, without limitation, monetary sanctions,*  
39 *against the party or his attorney, or both. The judges of the district*  
40 *courts shall liberally construe the provisions of this subsection in*  
41 *favor of imposing sanctions in all appropriate situations. It is the*  
42 *intent of the Legislature that the judges of the district courts*  
43 *impose sanctions pursuant to this subsection in all appropriate*  
44 *situations to punish for and deter conduct which is not undertaken*  
45 *in good faith because such conduct overburdens limited judicial*



1 *resources, hinders the timely resolution of meritorious claims and*  
2 *increases the costs of engaging in business and providing*  
3 *professional services to the public.*

4 **Sec. 155.** NRS 686B.070 is hereby amended to read as  
5 follows:

6 686B.070 **1.** Every authorized insurer and every rate service  
7 organization licensed under NRS 686B.130 which has been  
8 designated by any insurer for the filing of rates under subsection 2  
9 of NRS 686B.090 shall file with the Commissioner all:

- 10 ~~1-1~~ (a) Rates and proposed increases thereto;
  - 11 ~~2-1~~ (b) Forms of policies to which the rates apply;
  - 12 ~~3-1~~ (c) Supplementary rate information; and
  - 13 ~~4-1~~ (d) Changes and amendments thereof,
- 14 made by it for use in this state.

15 **2.** *Except as otherwise provided in this section and NRS*  
16 *686B.110, if a proposed increase or decrease in the rate of any*  
17 *kind or line of insurance does not change by more than 7 percent*  
18 *the total average premium required to be paid by persons insured*  
19 *by the insurer for that particular line or kind of insurance during*  
20 *the 12 months immediately preceding the proposed increase or*  
21 *decrease, the insurer shall file the information required by*  
22 *subsection 1 and the supporting data required to be filed pursuant*  
23 *to NRS 686B.100 on or before the date on which the changes are*  
24 *to become effective. The provisions of this subsection do not apply*  
25 *if the Commissioner has determined that the market is not*  
26 *competitive or if the Commissioner has made any of the other*  
27 *determinations described in subsection 1 of NRS 686B.110.*

28 **3.** *In a competitive market, if the Commissioner determines*  
29 *that the rates of an insurer require closer supervision by the*  
30 *Commissioner because of the financial condition of the insurer or*  
31 *because the insurer has engaged in rating practices which are*  
32 *unfairly discriminatory, the Commissioner may require the*  
33 *insurer to file the information required by subsection 1 and the*  
34 *supporting data required to be filed pursuant to NRS 686B.100 at*  
35 *least 60 days before the rates become effective or may subject the*  
36 *rates to review pursuant to NRS 686B.110.*

37 **4.** *The Commissioner shall review filings made pursuant to*  
38 *this section as soon as practicable to:*

- 39 (a) *Ensure the sufficiency of the financial condition of the*  
40 *insurer; and*
- 41 (b) *Determine whether the insurer has engaged in rating*  
42 *practices which are unfairly discriminatory.*

43 **5.** *Rates for title insurance and individual health insurance*  
44 *must be approved by the Commissioner pursuant to NRS 686B.110*  
45 *before the insurer may use the rates.*



1     **Sec. 156.** NRS 686B.110 is hereby amended to read as  
2 follows:

3     686B.110 1. ~~{The}~~ *If the Commissioner has determined*  
4 *that:*

5       (a) *The market is not competitive;*

6       (b) *Pursuant to NRS 686B.180, essential insurance coverage is*  
7 *not readily available in a voluntary market;*

8       (c) *Pursuant to NRS 686B.070, the rates of the insurer require*  
9 *closer supervision and that the rates are subject to review pursuant*  
10 *to this section;*

11       (d) *A proposed increase or decrease in the rate of any kind or*  
12 *line of insurance changes by more than 7 percent the total average*  
13 *premium required to be paid by persons insured by the insurer for*  
14 *that particular line or kind of insurance during the 12 months*  
15 *immediately preceding the proposed increase or decrease; or*

16       (e) *The rate is for title insurance or individual health*  
17 *insurance,*

18 *the* Commissioner shall consider each proposed increase or decrease  
19 in the rate of any kind or line of insurance or subdivision thereof  
20 filed with him pursuant to NRS 686B.070. If the Commissioner  
21 finds that a proposed increase will result in a rate which is not in  
22 compliance with NRS 686B.050, he shall disapprove the proposal.  
23 The Commissioner shall approve or disapprove each proposal ~~{no}~~  
24 *not* later than 60 days after it is determined by him to be complete  
25 pursuant to subsection 4. If the Commissioner fails to approve or  
26 disapprove the proposal within that period, the proposal shall be  
27 deemed approved.

28     2. Whenever an insurer has no legally effective rates as a result  
29 of the Commissioner's disapproval of rates or other act, the  
30 Commissioner shall , on request , specify interim rates for the  
31 insurer that are high enough to protect the interests of all parties and  
32 may order that a specified portion of the premiums be placed in an  
33 escrow account approved by him. When new rates become legally  
34 effective, the Commissioner shall order the escrowed ~~{funds}~~ *money*  
35 or any overcharge in the interim rates to be distributed  
36 appropriately, except that refunds to policyholders that are de  
37 minimis must not be required.

38     3. If the Commissioner disapproves a proposed rate and an  
39 insurer requests a hearing to determine the validity of his action, the  
40 insurer has the burden of showing compliance with the applicable  
41 standards for rates established in NRS 686B.010 to 686B.1799,  
42 inclusive. Any such hearing must be held:

43       (a) Within 30 days after the request for a hearing has been  
44 submitted to the Commissioner; or



1 (b) Within a period agreed upon by the insurer and the  
2 Commissioner.

3 If the hearing is not held within the period specified in paragraph (a)  
4 or (b), or if the Commissioner fails to issue an order concerning the  
5 proposed rate for which the hearing is held within 45 days after the  
6 hearing, the proposed rate shall be deemed approved.

7 4. The Commissioner shall by regulation specify the  
8 documents or any other information which must be included in a  
9 proposal to increase or decrease a rate submitted to him pursuant to  
10 ~~[subsection 1.]~~ **NRS 686B.070**. Each such proposal shall be deemed  
11 complete upon its filing with the Commissioner, unless the  
12 Commissioner, within 15 business days after the proposal is filed  
13 with him, determines that the proposal is incomplete because the  
14 proposal does not comply with the regulations adopted by him  
15 pursuant to this subsection.

16 *5. If the Commissioner finds that a rate no longer meets the*  
17 *requirements of this chapter, the Commissioner may order the*  
18 *discontinuance of the rate. An order for the discontinuance of a*  
19 *rate may be issued only after a hearing with at least 10 days'*  
20 *notice for all insurers and rate organizations that would be*  
21 *affected by such an order. The order must be in writing and*  
22 *include, without limitation:*

23 (a) *The grounds pursuant to which the order was issued;*  
24 (b) *The date on which the order to discontinue the rate*  
25 *becomes effective; and*

26 (c) *The date, within a reasonable time after the date on which*  
27 *the order becomes effective, on which the order will expire.*

28 *An order for the discontinuance of a rate does not affect any*  
29 *contract or policy made or issued before the date on which the*  
30 *order becomes effective.*

31 **Sec. 157.** Chapter 690B of NRS is hereby amended by adding  
32 thereto the provisions set forth as sections 158 to 175, inclusive, of  
33 this act.

34 **Sec. 158.** *As used in sections 158 to 165, inclusive, of this*  
35 *act, unless the context otherwise requires, the words and terms*  
36 *defined in sections 159 to 162, inclusive, of this act have the*  
37 *meanings ascribed to them in those sections.*

38 **Sec. 159.** *"Claims-made policy" means a policy of*  
39 *professional liability insurance that provides coverage only for*  
40 *claims that arise from incidents or events which occur while the*  
41 *policy is in force and which are reported to the insurer while the*  
42 *policy is in force.*

43 **Sec. 160.** *"Extended reporting endorsement" means an*  
44 *endorsement to a claims-made policy which requires the payment*  
45 *of a separate premium and which provides coverage for claims*





1 *that arise from incidents or events which occur while the claims-*  
2 *made policy is in force but which are reported to the insurer after*  
3 *the claims-made policy is terminated.*

4 **Sec. 161.** *“Practitioner” means a practitioner who provides*  
5 *health care.*

6 **Sec. 162.** *“Professional liability insurance” means a policy*  
7 *of insurance covering the liability of a practitioner for a breach of*  
8 *his professional duty toward a patient.*

9 **Sec. 163.** *1. If an insurer offers to issue a claims-made*  
10 *policy to a practitioner licensed pursuant to chapters 630 to 640,*  
11 *inclusive, of NRS, the insurer shall:*

12 *(a) Offer to issue to the practitioner an extended reporting*  
13 *endorsement without a time limitation for reporting a claim.*

14 *(b) Disclose to the practitioner the premium for the extended*  
15 *reporting endorsement and the cost formula that the insurer uses*  
16 *to determine the premium for the extended reporting endorsement.*

17 *(c) Disclose to the practitioner the portion of the premium*  
18 *attributable to funding the extended reporting endorsement*  
19 *offered at no additional cost to the practitioner in the event of the*  
20 *practitioner’s death, disability or retirement, if such a benefit is*  
21 *offered.*

22 *(d) Disclose to the practitioner the vesting requirements for the*  
23 *extended reporting endorsement offered at no additional cost to*  
24 *the practitioner in the event of the practitioner’s death or*  
25 *retirement, if such a benefit is offered. If such a benefit is not*  
26 *offered, the absence of such a benefit must be disclosed.*

27 *(e) Include, as part of the insurance contract, language which*  
28 *must be approved by the Commissioner and which must be*  
29 *substantially similar to the following:*

30 *If we adopt any revision that would broaden the*  
31 *coverage under this policy without any additional*  
32 *premium either within the policy period or within 60*  
33 *days before the policy period, the broadened coverage*  
34 *will immediately apply to this policy.*

35  
36  
37 *2. The disclosures required by subsection 1 must be made as*  
38 *part of the offer and acceptance at the inception of the policy and*  
39 *again at each renewal in the form of an endorsement attached to*  
40 *the insurance contract and approved by the Commissioner.*

41 *3. The requirements set forth in this section are in addition to*  
42 *the requirements set forth in section 12 of Senate Bill No. 122 of*  
43 *this session.*

44 **Sec. 164.** *1. In each rating plan of an insurer that issues a*  
45 *policy of professional liability insurance to a practitioner licensed*



1 *pursuant to chapter 630 or 633 of NRS, the insurer shall provide*  
2 *for a reduction in the premium for the policy if the practitioner*  
3 *implements a qualified risk management system. The amount of*  
4 *the reduction in the premium must be determined by the*  
5 *Commissioner in accordance with the applicable standards for*  
6 *rates established in NRS 686B.010 to 686B.1799, inclusive.*

7 *2. A qualified risk management system must comply with all*  
8 *requirements established by the Commissioner.*

9 *3. The Commissioner shall adopt regulations to:*

10 *(a) Establish the requirements for a qualified risk*  
11 *management system; and*

12 *(b) Carry out the provisions of this section.*

13 *4. The provisions of this section apply to all rating plans*  
14 *which an insurer that issues a policy of professional liability*  
15 *insurance to a practitioner licensed pursuant to chapter 630 or*  
16 *633 of NRS files with the Commissioner on and after the effective*  
17 *date of the regulations adopted by the Commissioner pursuant to*  
18 *this section.*

19 **Sec. 165. 1.** *On an annual basis, the Commissioner shall,*  
20 *pursuant to subsection 1 of NRS 680A.290, request each insurer*  
21 *that issues a policy of professional liability insurance to a*  
22 *practitioner licensed pursuant to chapter 630 or 633 of NRS to*  
23 *submit to the Commissioner an annual report on its loss*  
24 *prevention and control programs.*

25 *2. Not later than 90 days after the Commissioner receives the*  
26 *annual reports from those insurers, the Commissioner shall*  
27 *submit his report on the loss prevention and control programs of*  
28 *those insurers, along with any recommendations, to the Director*  
29 *of the Legislative Counsel Bureau for transmittal to members of*  
30 *the Legislature.*

31 **Secs. 166-175.** (Deleted by amendment.)

32 **Sec. 176.** NRS 690B.045 is hereby amended to read as  
33 follows:

34 690B.045 Except as more is required in NRS 630.3067 and  
35 633.526:

36 1. Each insurer which issues a policy of insurance covering the  
37 liability of a practitioner licensed pursuant to chapters 630 to 640,  
38 inclusive, of NRS for a breach of his professional duty toward a  
39 patient shall report to the board which licensed the practitioner  
40 within ~~30~~ 45 days each settlement or award made or judgment  
41 rendered by reason of a claim, if the settlement, award or judgment  
42 is for more than \$5,000, giving the name and address of the claimant  
43 and the practitioner and the circumstances of the case.

44 2. A practitioner licensed pursuant to chapters 630 to 640,  
45 inclusive, of NRS who does not have insurance covering liability for



1 a breach of his professional duty toward a patient shall report to the  
2 board which issued his license within ~~30~~ 45 days of each  
3 settlement or award made or judgment rendered by reason of a  
4 claim, if the settlement, award or judgment is for more than \$5,000,  
5 giving his name and address, the name and address of the claimant  
6 and the circumstances of the case.

7 3. These reports are public records and must be made available  
8 for public inspection within a reasonable time after they are received  
9 by the licensing board.

10 **Sec. 177.** NRS 690B.050 is hereby amended to read as  
11 follows:

12 690B.050 1. Each insurer which issues a policy of insurance  
13 covering the liability of a physician licensed under chapter 630 of  
14 NRS or an osteopathic physician licensed under chapter 633 of NRS  
15 for a breach of his professional duty toward a patient shall report to  
16 the Commissioner within ~~30~~ 45 days each settlement or award  
17 made or judgment rendered by reason of a claim, giving the name  
18 and address of the claimant and physician and the circumstances of  
19 the case.

20 2. The Commissioner shall report to the Board of Medical  
21 Examiners or the state board of osteopathic medicine, as applicable,  
22 within 30 days after receiving the report of the insurer, each claim  
23 made and each settlement, award or judgment.

24 **Sec. 178.** Section 2 of Senate Bill No. 122 of this session is  
25 hereby amended to read as follows:

26 Sec. 2. NRS 686B.070 is hereby amended to read as  
27 follows:

28 686B.070 1. Every authorized insurer and every rate  
29 service organization licensed under NRS ~~686B.130~~  
30 **686B.140** which has been designated by any insurer for the  
31 filing of rates under subsection 2 of NRS 686B.090 shall file  
32 with the Commissioner all:

- 33 (a) Rates and proposed increases thereto;
- 34 (b) Forms of policies to which the rates apply;
- 35 (c) Supplementary rate information; and
- 36 (d) Changes and amendments thereof,

37 made by it for use in this state.

38 2. Except as otherwise provided in this section and NRS  
39 686B.110, if a proposed increase or decrease in the rate of  
40 any kind or line of insurance does not change by more than 7  
41 percent the total average premium required to be paid by  
42 persons insured by the insurer for that particular line or kind  
43 of insurance during the 12 months immediately preceding the  
44 proposed increase or decrease, the insurer shall file the  
45 information required by subsection 1 and the supporting data



1 required to be filed pursuant to NRS 686B.100 on or before  
2 the date on which the changes are to become effective. The  
3 provisions of this subsection do not apply if the  
4 Commissioner has determined that the market is not  
5 competitive or if the Commissioner has made any of the other  
6 determinations described in subsection 1 of NRS 686B.110.

7 3. In a competitive market, if the Commissioner  
8 determines that the rates of an insurer require closer  
9 supervision by the Commissioner because of the financial  
10 condition of the insurer or because the insurer has engaged in  
11 rating practices which are unfairly discriminatory, the  
12 Commissioner may require the insurer to file the information  
13 required by subsection 1 and the supporting data required to  
14 be filed pursuant to NRS 686B.100 at least 60 days before the  
15 rates become effective or may subject the rates to review  
16 pursuant to NRS 686B.110.

17 4. The Commissioner shall review filings made pursuant  
18 to this section as soon as practicable to:

19 (a) Ensure the sufficiency of the financial condition of the  
20 insurer; ~~and~~

21 (b) Determine whether the insurer has engaged in rating  
22 practices which are unfairly discriminatory ~~;~~; ~~and~~

23 (c) *If applicable, determine whether the insurer has*  
24 *complied with the provisions of subsection 5.*

25 5. *If an insurer makes a filing that increases a rate for*  
26 *insurance covering the liability of a practitioner licensed*  
27 *pursuant to chapter 630, 631, 632 or 633 of NRS for a*  
28 *breach of his professional duty toward a patient, the insurer*  
29 *shall not include in the filing any component that is directly*  
30 *or indirectly related to the following:*

31 (a) *Capital losses, diminished cash flow from any*  
32 *dividends, interest or other investment returns, or any other*  
33 *financial loss that is materially outside of the claims*  
34 *experience of the professional liability insurance industry,*  
35 *as determined by the Commissioner.*

36 (b) *Losses that are the result of any criminal or*  
37 *fraudulent activities of a director, officer or employee of the*  
38 *insurer.*

39 *If the Commissioner determines that a filing includes any*  
40 *such component, the Commissioner shall disapprove the*  
41 *increase, in whole or in part, to the extent that the increase*  
42 *relies upon such a component.*

43 6. Rates for title insurance and individual health  
44 insurance must be approved by the Commissioner pursuant to  
45 NRS 686B.110 before the insurer may use the rates.



1       **Sec. 179.** Section 4 of Senate Bill No. 122 of this session is  
2 hereby amended to read as follows:

3       Sec. 4. NRS 686B.110 is hereby amended to read as  
4 follows:

5       686B.110 1. If the Commissioner has determined that:

6       (a) The market is not competitive;

7       (b) Pursuant to NRS 686B.180, essential insurance  
8 coverage is not readily available in a voluntary market;

9       (c) Pursuant to NRS 686B.070, the rates of the insurer  
10 require closer supervision and that the rates are subject to  
11 review pursuant to this section;

12       (d) A proposed increase or decrease in the rate of any  
13 kind or line of insurance changes by more than 7 percent the  
14 total average premium required to be paid by persons insured  
15 by the insurer for that particular line or kind of insurance  
16 during the 12 months immediately preceding the proposed  
17 increase or decrease; or

18       (e) The rate is for title insurance or individual health  
19 insurance,

20 the Commissioner shall consider each proposed increase or  
21 decrease in the rate of any kind or line of insurance or  
22 subdivision thereof filed with him pursuant to NRS  
23 686B.070. If the Commissioner finds that a proposed increase  
24 will result in a rate which is not in compliance with NRS  
25 686B.050 ~~§~~ *or subsection 5 of NRS 686B.070*, he shall  
26 disapprove the proposal. The Commissioner shall approve or  
27 disapprove each proposal not later than 60 days after it is  
28 determined by him to be complete pursuant to subsection 4. If  
29 the Commissioner fails to approve or disapprove the proposal  
30 within that period, the proposal shall be deemed approved.

31       2. Whenever an insurer has no legally effective rates as a  
32 result of the Commissioner's disapproval of rates or other act,  
33 the Commissioner shall, on request, specify interim rates for  
34 the insurer that are high enough to protect the interests of all  
35 parties and may order that a specified portion of the  
36 premiums be placed in an escrow account approved by him.  
37 When new rates become legally effective, the Commissioner  
38 shall order the escrowed money or any overcharge in the  
39 interim rates to be distributed appropriately, except that  
40 refunds to policyholders that are de minimis must not be  
41 required.

42       3. If the Commissioner disapproves a proposed rate and  
43 an insurer requests a hearing to determine the validity of his  
44 action, the insurer has the burden of showing compliance with  
45 the applicable standards for rates established in NRS



1 686B.010 to 686B.1799, inclusive. Any such hearing must be  
2 held:

3 (a) Within 30 days after the request for a hearing has been  
4 submitted to the Commissioner; or

5 (b) Within a period agreed upon by the insurer and the  
6 Commissioner.

7 If the hearing is not held within the period specified in  
8 paragraph (a) or (b), or if the Commissioner fails to issue an  
9 order concerning the proposed rate for which the hearing is  
10 held within 45 days after the hearing, the proposed rate shall  
11 be deemed approved.

12 4. The Commissioner shall by regulation specify the  
13 documents or any other information which must be included  
14 in a proposal to increase or decrease a rate submitted to him  
15 pursuant to NRS 686B.070. Each such proposal shall be  
16 deemed complete upon its filing with the Commissioner,  
17 unless the Commissioner, within 15 business days after the  
18 proposal is filed with him, determines that the proposal is  
19 incomplete because the proposal does not comply with the  
20 regulations adopted by him pursuant to this subsection.

21 5. If the Commissioner finds that a rate no longer meets  
22 the requirements of this chapter, the Commissioner may order  
23 the discontinuance of the rate. An order for the  
24 discontinuance of a rate may be issued only after a hearing  
25 with at least 10 days' notice for all insurers and rate  
26 organizations that would be affected by such an order. The  
27 order must be in writing and include, without limitation:

28 (a) The grounds pursuant to which the order was issued;

29 (b) The date on which the order to discontinue the rate  
30 becomes effective; and

31 (c) The date, within a reasonable time after the date on  
32 which the order becomes effective, on which the order will  
33 expire.

34 An order for the discontinuance of a rate does not affect any  
35 contract or policy made or issued before the date on which  
36 the order becomes effective.

37 **Sec. 180.** Section 1 of Senate Bill No. 133 of this session is  
38 hereby amended to read as follows:

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

41 1. Except as otherwise provided in NRS 630.161, the  
42 Board may issue a restricted license to a person who intends  
43 to practice medicine in this state as a psychiatrist in a mental  
44 health center of the Division under the direct supervision of a



1 psychiatrist who holds an unrestricted license to practice  
2 medicine pursuant to this chapter.

3 2. A person who applies for a restricted license pursuant  
4 to this section is not required to take or pass a written  
5 examination as to his qualifications to practice medicine  
6 pursuant to paragraph (e) of subsection 2 of NRS 630.160,  
7 but the person must meet all other conditions and  
8 requirements for an unrestricted license to practice medicine  
9 pursuant to this chapter.

10 3. If the Board issues a restricted license pursuant to this  
11 section, the person who holds the restricted license may  
12 practice medicine in this state only as a psychiatrist in a  
13 mental health center of the Division and only under the direct  
14 supervision of a psychiatrist who holds an unrestricted license  
15 to practice medicine pursuant to this chapter.

16 4. If a person who holds a restricted license issued  
17 pursuant to this section ceases to practice medicine in this  
18 state as a psychiatrist in a mental health center of the  
19 Division:

20 (a) The Division shall notify the Board; and

21 (b) Upon receipt of such notification, the restricted  
22 license expires automatically.

23 5. The Board may renew or modify a restricted license  
24 issued pursuant to this section, unless the restricted license  
25 has expired automatically or has been revoked.

26 ~~6. Each person who holds a restricted license issued~~  
27 ~~pursuant to this section and who accepts the privilege of~~  
28 ~~practicing medicine in this state pursuant to the provisions of~~  
29 ~~the restricted license shall be deemed to have given his~~  
30 ~~consent to the revocation of the restricted license at any time~~  
31 ~~by the Board for any of the grounds provided in NRS 630.161~~  
32 ~~or 630.301 to 630.3065, inclusive, or for any violation of the~~  
33 ~~provisions of this section.~~

34 ~~7.]~~ The provisions of this section do not limit the  
35 authority of the Board to issue a restricted license to an  
36 applicant in accordance with any other provision of this  
37 chapter.

38 ~~8.]~~ 7. As used in this section:

39 (a) "Division" means the Division of Mental Health and  
40 Developmental Services of the Department of Human  
41 Resources.

42 (b) "Mental health center" has the meaning ascribed to it  
43 in NRS 433.144.



1       **Sec. 181.** Section 9 of Senate Bill No. 139 of this session is  
2 hereby amended to read as follows:

3       Sec. 9. NRS 645.630 is hereby amended to read as  
4 follows:

5       645.630 1. The Commission may require a licensee,  
6 property manager or owner-developer to pay an  
7 administrative fine of not more than \$5,000 for each violation  
8 he commits or suspend, revoke, deny the renewal of or place  
9 conditions upon his license, permit or registration, or impose  
10 any combination of those actions, at any time if the licensee,  
11 property-manager or owner-developer has, by false or  
12 fraudulent representation, obtained a license, permit or  
13 registration, or the licensee, property manager or owner-  
14 developer, whether or not acting as such, is found guilty of:

15       (a) Making any material misrepresentation.

16       (b) Making any false promises of a character likely to  
17 influence, persuade or induce.

18       (c) Accepting a commission or valuable consideration as  
19 a real estate broker-salesman or salesman for the performance  
20 of any of the acts specified in this chapter or chapter 119 or  
21 119A of NRS from any person except the licensed real estate  
22 broker with whom he is associated or the owner-developer by  
23 whom he is employed.

24       (d) Representing or attempting to represent a real estate  
25 broker other than the broker with whom he is associated,  
26 without the express knowledge and consent of the broker with  
27 whom he is associated.

28       (e) Failing to maintain, for review and audit by the  
29 Division, each brokerage agreement *and property*  
30 *management agreement* governed by the provisions of this  
31 chapter and entered into by the licensee.

32       (f) Failing, within a reasonable time, to account for or to  
33 remit any money which comes into his possession and which  
34 belongs to others.

35       (g) If he is required to maintain a trust account:

36           (1) Failing to balance the trust account at least  
37 monthly; and

38           (2) Failing to submit to the Division an annual  
39 accounting of the trust account as required in NRS 645.310.

40       (h) Commingling the money or other property of his  
41 clients with his own or converting the money of others to his  
42 own use.

43       (i) In the case of a broker-salesman or salesman, failing to  
44 place in the custody of his licensed broker or owner-  
45 developer, as soon as possible, any deposit or other money or





1 consideration entrusted to him by any person dealing with  
2 him as the representative of his licensed broker.

3 (j) Accepting other than cash as earnest money unless that  
4 fact is communicated to the owner before his acceptance of  
5 the offer to purchase and that fact is shown in the receipt for  
6 the earnest money.

7 (k) Upon acceptance of an agreement, in the case of a  
8 broker, failing to deposit any check or cash received as  
9 earnest money before the end of the next banking day unless  
10 otherwise provided in the purchase agreement.

11 (l) Inducing any party to a brokerage agreement, *property*  
12 *management agreement, agreement of* sale or lease to break  
13 it in order to substitute a new brokerage agreement, *property*  
14 *management agreement,* agreement of sale or lease with the  
15 same or another party if the inducement to make the  
16 substitution is offered to secure personal gain to the licensee  
17 or owner-developer.

18 2. An order that imposes discipline and the findings of  
19 fact and conclusions of law supporting that order are public  
20 records.

21 **Sec. 182.** Section 7 of Senate Bill No. 332 of this session is  
22 hereby amended to read as follows:

23 Sec. 7. 1. The Board shall maintain a website on the  
24 Internet or its successor.

25 2. *Except as otherwise provided in this section, the*  
26 *Board and its members and employees shall not place any*  
27 *information on the website maintained by the Board unless*  
28 *the Board, at a regular meeting, approves the placement of*  
29 *the information on the website.*

30 3. The Board shall place on the website ~~{;}~~ , *without*  
31 *having to approve the placement at a meeting:*

32 (a) Each application form for the issuance or renewal of a  
33 license issued by the Board pursuant to this chapter . ~~{;and}~~

34 (b) A list of questions that are frequently asked  
35 concerning the processes of the Board and the answers to  
36 those questions.

37 (c) *An alphabetical list, by last name, of each physician*  
38 *and a brief description of each disciplinary action, if any,*  
39 *taken against the physician, in this state and elsewhere,*  
40 *which relates to the practice of medicine and which is noted*  
41 *in the records of the Board. The Board shall include, as part*  
42 *of the list on the website, the name of each physician whose*  
43 *license has been revoked by the Board. The Board shall*  
44 *make the list on the website easily accessible and user*  
45 *friendly for the public.*



- 1 *(d) All financial reports received by the Board.*
- 2 *(e) All financial reports prepared by the Board.*
- 3 *(f) Any other information required to be placed on the*
- 4 *website by any other provision of law.*

5 **Sec. 183.** 1. NRS 622.010, 623A.295, 630.142, 634.165,  
6 638.154, 639.091 and 656.295 are hereby repealed.

7 2. Sections 8, 8.3 and 8.7 of Assembly Bill No. 320 of this  
8 session are hereby repealed.

9 3. Section 4 of Senate Bill No. 281 of this session is hereby  
10 repealed.

11 **Sec. 184.** 1. This section becomes effective on passage and  
12 approval.

13 2. Sections 1 to 182, inclusive, of this act become effective  
14 upon passage and approval for the purpose of adopting regulations  
15 and on July 1, 2003, for all other purposes.

16 3. Section 183 of this act becomes effective on July 1, 2003.

17 4. Section 99 of this act expires by limitation on the date on  
18 which the provisions of 42 U.S.C., § 666 requiring each state to  
19 establish procedures under which the state has authority to withhold  
20 or suspend, or to restrict the use of professional, occupational and  
21 recreational licenses of persons who:

22 (a) Have failed to comply with a subpoena or warrant relating to  
23 a procedure to determine the paternity of a child or to establish or  
24 enforce an obligation for the support of a child; or

25 (b) Are in arrears in the payment for the support of one or more  
26 children,

27 are repealed by the Congress of the United States.

**LEADLINES OF REPEALED SECTIONS OF NRS AND  
TEXT OF REPEALED SECTIONS OF ENROLLED BILLS**

- 622.010** “Occupational licensing board” defined.
- 623A.295** Confidentiality of proceedings.
- 630.142** Award of costs and attorney’s fees.
- 634.165** Confidentiality of proceedings.
- 638.154** Court may award costs and reasonable attorney’s  
fees incurred by Board.
- 639.091** Award of costs and attorney’s fees to Board.
- 656.295** Disciplinary proceedings: Costs; attorney’s fees.



**Section 8 of Assembly Bill No. 320 of this session:**

Sec. 8. NRS 686B.070 is hereby amended to read as follows:

686B.070 **1.** Every authorized insurer and every rate service organization licensed under NRS ~~686B.130~~ **686B.140** which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

- ~~1.~~ (a) Rates and proposed increases thereto;
- ~~2.~~ (b) Forms of policies to which the rates apply;
- ~~3.~~ (c) Supplementary rate information; and
- ~~4.~~ (d) Changes and amendments thereof,

made by it for use in this state.

**2.** *If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of his professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:*

*(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.*

*(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.*

*If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.*

**Section 8.3 of Assembly Bill No. 320 of this session:**

Sec. 8.3. NRS 686B.090 is hereby amended to read as follows:

686B.090 **1.** An insurer shall establish rates and supplementary rate information for any market segment based on the factors in NRS 686B.060. If an insurer has insufficient creditable loss experience, it may use rates and supplementary rate information prepared by a rate service organization, with modification for its own expense and loss experience.

**2.** An insurer may discharge its obligation under **subsection 1 of** NRS 686B.070 by giving notice to the Commissioner that it uses rates and supplementary rate



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information prepared by a designated rate service organization, with such information about modifications thereof as are necessary fully to inform the Commissioner. The insurer's rates and supplementary rate information shall be deemed those filed from time to time by the rate service organization, including any amendments thereto as filed, subject ~~[-, however,]~~ to the modifications filed by the insurer.

**Section 8.7 of Assembly Bill No. 320 of this session:**

Sec. 8.7. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with him pursuant to *subsection 1 of* NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 ~~[-]~~ *or subsection 2 of NRS 686B.070*, he shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 60 days after it is determined by him to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by him. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate and an insurer requests a hearing to determine the validity of his action, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an



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order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to him pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with him, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by him pursuant to this subsection.

**Section 4 of Senate Bill No. 281 of this session:**

Sec. 4. NRS 633.611 is hereby amended to read as follows:

633.611 *1.* All proceedings ~~[subsequent to]~~ *after* the filing of a complaint are confidential, except to the extent necessary for the conduct of an examination, until the Board determines to proceed with disciplinary action. ~~##~~

*2. Except as otherwise provided in subsection 3, if* the Board dismisses the complaint, the proceedings remain confidential. If the Board proceeds with disciplinary action, confidentiality concerning the proceedings is no longer required.

*3. The Board may disseminate any information or records relating to an investigation of a complaint which has been dismissed by the Board to any other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.*

