

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; making various changes regarding the practice of chiropractic; 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*



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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 finds by a preponderance of the*
26 *evidence that the licensee committed a material violation of:*

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

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

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

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

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

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

44 *(c) Any settlement, award, judgment or other disposition of*
45 *any action or claim described in paragraph (a) or (b) not later*



1 *than 45 days after the settlement, award, judgment or other*
2 *disposition; and*

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

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

10 *3. All reports made by a physician pursuant to this section are*
11 *public records.*

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

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

41 *2. The initial performance audit of the Board must be*
42 *commenced before October 1, 2003. After the initial performance*
43 *audit is completed, additional performance audits must be*
44 *conducted:*

45 *(a) Once every 8 years, for the preceding 8-year period; or*



- 1 ***(b) Whenever ordered by the Legislative Commission, for the***
2 ***period since the last performance audit was conducted pursuant to***
3 ***this section.***
- 4 ***3. A written report of the results of the initial performance***
5 ***audit must be submitted to the Secretary of the Legislative***
6 ***Commission not later than 60 days after the date that the initial***
7 ***performance audit is commenced. A written report of the results of***
8 ***each subsequent performance audit must be submitted to the***
9 ***Secretary of the Legislative Commission as soon as practicable***
10 ***after the date that the performance audit is commenced.***
- 11 ***4. Upon receipt of the written report of the results of each***
12 ***performance audit, the Secretary of the Legislative Commission***
13 ***shall:***
- 14 ***(a) Distribute the report to the members of the Legislative***
15 ***Commission and to any other Legislator who requests a copy of***
16 ***the report; and***
- 17 ***(b) Not later than 30 days after receipt of the report, make the***
18 ***report available to the public.***
- 19 ***5. The Board shall pay all costs related to each performance***
20 ***audit conducted pursuant to this section.***
- 21 ***6. Any person who conducts a performance audit pursuant to***
22 ***this section:***
- 23 ***(a) Is directly responsible to the Legislative Commission;***
24 ***(b) Must be sufficiently qualified to conduct the performance***
25 ***audit; and***
- 26 ***(c) Must never have conducted an audit of the Board pursuant***
27 ***to NRS 218.825 or have been affiliated, in any way, with a person***
28 ***who has conducted an audit of the Board pursuant to NRS***
29 ***218.825.***
- 30 ***7. Each performance audit conducted pursuant to this section***
31 ***must include, without limitation, a comprehensive review and***
32 ***evaluation of:***
- 33 ***(a) The methodology and efficiency of the Board in***
34 ***responding to complaints filed by the public against a licensee;***
35 ***(b) The methodology and efficiency of the Board in***
36 ***responding to complaints filed by a licensee against another***
37 ***licensee;***
- 38 ***(c) The methodology and efficiency of the Board in conducting***
39 ***investigations of licensees who have had two or more malpractice***
40 ***claims filed against them within a period of 12 months;***
- 41 ***(d) The methodology and efficiency of the Board in***
42 ***conducting investigations of licensees who have been subject to***
43 ***one or more peer review actions at a medical facility that resulted***
44 ***in the licensee losing his professional privileges at the medical***
45 ***facility for more than 30 days within a period of 12 months;***



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

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

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

9 630.003 **1.** The Legislature finds and declares that ~~it~~:

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

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

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

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

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

29 **2.** The powers conferred upon the Board by this chapter must
30 be liberally construed to carry out ~~[this purpose.]~~ *these purposes for*
31 *the protection and benefit of the public.*

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

33 630.020 "Practice of medicine" means:

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

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

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

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



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

6 **Sec. 44.** NRS 630.045 is hereby amended to read as follows:
7 630.045 **1.** The purpose of licensing physicians, physician
8 assistants and practitioners of respiratory care is to protect the public
9 health and safety and the general welfare of the people of this state.

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

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

15 630.060 **1.** Six members of the Board must be persons who
16 are licensed to practice medicine in this state, are actually engaged
17 in the practice of medicine in this state and have resided and
18 practiced medicine in this state for at least 5 years preceding their
19 respective appointments.

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

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

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

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

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

34 630.100 **1.** The Board shall meet at least twice annually and
35 may meet at other times on the call of the President or a majority of
36 its members.

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

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



1 **Sec. 47.** NRS 630.125 is hereby amended to read as follows:
2 630.125 The Board may ~~[-~~
3 ~~1. Maintain~~ *maintain* offices in as many localities in the State
4 as it finds necessary to carry out the provisions of this chapter.

5 ~~[-2. Employ hearing officers, experts, administrators, attorneys,~~
6 ~~investigators, consultants and clerical personnel necessary to the~~
7 ~~discharge of its duties.]~~

8 **Sec. 48.** NRS 630.130 is hereby amended to read as follows:
9 630.130 1. In addition to the other powers and duties
10 provided in this chapter, the Board shall ~~[-]~~, *in the interest of the*
11 *public, judiciously:*

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

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

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

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

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

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

38 **Sec. 51.** NRS 630.261 is hereby amended to read as follows:
39 630.261 1. Except as otherwise provided in NRS 630.161,
40 the Board may issue:

- 41 (a) A locum tenens license, to be effective not more than 3
42 months after issuance, to any physician who is licensed and in good
43 standing in another state, who meets the requirements for licensure
44 in this state and who is of good moral character and reputation. The
45 purpose of this license is to enable an eligible physician to serve as a



1 substitute for another physician who is licensed to practice medicine
2 in this state and who is absent from his practice for reasons deemed
3 sufficient by the Board. A license issued pursuant to the provisions
4 of this paragraph is not renewable.

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

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

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

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

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

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

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

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


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

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


39 630.301 The following acts, among others, constitute grounds
40 for initiating disciplinary action or denying licensure:

41 1. Conviction of a felony . ~~1. any offense involving moral
42 turpitude or any offense relating to the practice of medicine or the
43 ability to practice medicine.~~ A plea of nolo contendere is a
44 conviction for the purposes of this subsection.



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

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

11 4. Malpractice, which may be evidenced by claims settled
12 against a practitioner , *but only if such malpractice is*
13 *established by a preponderance of the evidence.*

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

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

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

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

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

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

37 **Sec. 53.** NRS 630.3062 is hereby amended to read as follows:
38 630.3062 The following acts, among others, constitute grounds
39 for initiating disciplinary action or denying licensure:

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

43 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 that a violation of the provisions of this chapter or of the regulations
11 of the Board has occurred, it shall issue and serve on the physician
12 charged an order, in writing, containing its findings and any
13 sanctions.

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

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

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

25 (b) Administer to him a public reprimand;

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

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

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

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

34 (g) Require supervision of his practice;

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

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

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

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

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



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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 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.



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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. 79.3.** NRS 634.018 is hereby amended to read as follows:
19 634.018 "Unprofessional conduct" means:

20 1. Obtaining a certificate upon fraudulent credentials or gross
21 misrepresentation.

22 2. Procuring, or aiding or abetting in procuring, criminal
23 abortion.

24 3. ~~Obtaining a fee on assurance~~ **Assuring** that a manifestly
25 incurable disease can be permanently cured.

26 4. Advertising chiropractic business in which grossly
27 improbable statements are made, advertising in any manner that will
28 tend to deceive, defraud or mislead the public or preparing, causing
29 to be prepared, using or participating in the use of any form of
30 public communication that contains professionally self-laudatory
31 statements calculated to attract lay patients. As used in this
32 subsection, "public communication" includes, but is not limited to,
33 communications by means of television, radio, newspapers, books
34 and periodicals, motion picture, handbills or other printed matter.
35 ~~Nothing contained in this subsection prohibits the direct mailing of~~
36 ~~informational documents to former or current patients.~~

37 5. Willful disobedience of the law, or of the regulations of the
38 State Board of Health or of the Chiropractic Physicians' Board of
39 Nevada.

40 6. Conviction of any offense involving moral turpitude, or the
41 conviction of a felony. The record of the conviction is conclusive
42 evidence of unprofessional conduct.

43 7. Administering, dispensing or prescribing any controlled
44 substance.



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1 8. Conviction or violation of any federal or state law regulating
2 the possession, distribution or use of any controlled substance. The
3 record of conviction is conclusive evidence of unprofessional
4 conduct.

5 9. Habitual intemperance or excessive use of alcohol or
6 alcoholic beverages or any controlled substance.

7 10. Conduct unbecoming a person licensed to practice
8 chiropractic or detrimental to the best interests of the public.

9 11. Violating, or attempting to violate, directly or indirectly, or
10 assisting in or abetting the violation of, or conspiring to violate, any
11 provision of this chapter or the regulations adopted by the Board, or
12 any other statute or regulation pertaining to the practice of
13 chiropractic.

14 12. Employing, directly or indirectly, any suspended or
15 unlicensed practitioner in the practice of any system or mode of
16 treating the sick or afflicted, or the aiding or abetting of any
17 unlicensed person to practice chiropractic under this chapter.

18 13. Repeated malpractice, which may be evidenced by claims
19 of malpractice settled against a practitioner.

20 14. Solicitation by the licensee or his designated agent of any
21 person who, at the time of the solicitation, is vulnerable to undue
22 influence, including, without limitation, any person known by the
23 licensee to have recently been ~~†~~

24 ~~—(a) Involved~~ *involved* in a motor vehicle accident ~~†~~

25 ~~—(b) Involved~~, *involved* in a work-related accident ~~†~~ ~~or~~

26 ~~—(c) Injured~~, *or injured* by, or as the result of the actions of,
27 another person. *As used in this subsection:*

28 (a) *“Designated agent” means a person who renders service to*
29 *a licensee on a contract basis and is not an employee of the*
30 *licensee.*

31 (b) *“Solicitation” means the attempt to acquire a new patient*
32 *through information obtained from a law enforcement agency,*
33 *medical facility or the report of any other party, which*
34 *information indicates that the potential new patient may be*
35 *vulnerable to undue influence, as described in this subsection.*

36 15. Employing, directly or indirectly, any person as a
37 chiropractor’s assistant unless the person has been issued a
38 certificate by the Board pursuant to NRS 634.123, or has applied for
39 such a certificate and is awaiting the determination of the Board
40 concerning the application.

41 16. *Aiding, abetting, commanding, counseling, encouraging,*
42 *inducing or soliciting an insurer or other third-party payor to*
43 *reduce or deny payment or reimbursement for the care or*
44 *treatment of a patient, unless such action is supported by:*

45 (a) *The medical records of the patient; and*



1 *(b) An examination of the patient by the chiropractic physician*
2 *taking such action.*

3 **Sec. 79.5.** NRS 634.090 is hereby amended to read as follows:

4 634.090 1. An applicant must, in addition to the requirements
5 of NRS 634.070 and 634.080, furnish satisfactory evidence to the
6 Board:

7 (a) That he is of good moral character;

8 (b) ~~Not~~ *Except as otherwise provided in subsection 2, not*
9 *less than 60 days before the date of the examination, that he has a high*
10 *school education and is a graduate from a college of chiropractic*
11 *which is accredited by the Council on Chiropractic Education or*
12 *which has a reciprocal agreement with the Council on Chiropractic*
13 *Education ~~I~~ or any governmental accrediting agency,* whose
14 minimum course of study leading to the degree of doctor of
15 chiropractic consists of not less than 4,000 hours of credit which
16 includes instruction in each of the following subjects:

17 (1) Anatomy;

18 (2) Bacteriology;

19 (3) Chiropractic theory and practice;

20 (4) Diagnosis and chiropractic analysis;

21 (5) Elementary chemistry and toxicology;

22 (6) Histology;

23 (7) Hygiene and sanitation;

24 (8) Obstetrics and gynecology;

25 (9) Pathology;

26 (10) Physiology; and

27 (11) Physiotherapy; and

28 (c) That he:

29 (1) Holds certificates which indicate that he has passed parts
30 I, II ~~and III,~~ *III and IV,* and the portion relating to physiotherapy,
31 of the examination administered by the National Board of
32 Chiropractic Examiners; or

33 (2) Has actively practiced chiropractic in another state for not
34 fewer than 7 of the immediately preceding 10 years without having
35 any adverse disciplinary action taken against him.

36 2. *The Board may, for good cause shown, waive the*
37 *requirement for a particular applicant that the college of*
38 *chiropractic from which the applicant graduated must be*
39 *accredited by the Council on Chiropractic Education or have a*
40 *reciprocal agreement with the Council on Chiropractic Education*
41 *or a governmental accrediting agency.*

42 3. Except as otherwise provided in subsection ~~3,~~ 4, every
43 applicant is required to submit evidence of his successful
44 completion of not less than 60 credit hours at an accredited college
45 or university.



1 ~~[3-]~~ 4. Any applicant who has been licensed to practice in
2 another state, and has been in practice for not less than 5 years, is
3 not required to comply with the provisions of subsection ~~[2-]~~ 3.

4 **Sec. 79.7.** NRS 634.130 is hereby amended to read as follows:
5 634.130 1. Licenses and certificates must be renewed
6 annually. Each person who is licensed pursuant to the provisions of
7 this chapter must, upon the payment of the required renewal fee and
8 the submission of the statement required pursuant to NRS 634.095,
9 be granted a renewal certificate which authorizes him to continue to
10 practice for 1 year.

11 2. The renewal fee must be paid and the statement must be
12 submitted to the Board on or before January 1 of the year to which it
13 applies.

14 3. Except as otherwise provided in subsection 4, a licensee in
15 active practice within this state must submit satisfactory proof to the
16 Board that he has attended at least 12 hours of continuing education
17 which is approved or endorsed by the Board. ~~[, with the exception
18 of a licensee who has reached the age of 70 years. Two hours of the
19 continuing education must be obtained in a topic specified by the
20 Board.]~~ The educational requirement of this section may be waived
21 by the Board if the licensee files with the Board a statement of a
22 chiropractic physician, osteopathic physician or doctor of medicine
23 certifying that the licensee is suffering from a serious or disabling
24 illness or physical disability which prevented him from completing
25 the requirements for continuing education during the 12 months
26 immediately preceding the renewal date of his license.

27 4. A licensee is not required to comply with the requirements
28 of subsection 3 until the calendar year after the year the Board
29 issues to him an initial license to practice as a chiropractor in this
30 state.

31 5. If a licensee fails to:

- 32 (a) Pay his renewal fee by January 1;
- 33 (b) Submit the statement required pursuant to NRS 634.095 by
34 January 1;
- 35 (c) Submit proof of continuing education pursuant to subsection
36 3; or
- 37 (d) Notify the Board of a change in the location of his office
38 pursuant to NRS 634.129,
- 39 his license is automatically suspended and may be reinstated only
40 upon the payment of the required fee for reinstatement in addition to
41 the renewal fee.

42 6. If a holder of a certificate as a chiropractor's assistant fails
43 to:

- 44 (a) Pay his renewal fee by January 1;



1 (b) Submit the statement required pursuant to NRS 634.095 by
2 January 1; or

3 (c) Notify the Board of a change in the location of his office
4 pursuant to NRS 634.129,
5 his certificate is automatically suspended and may be reinstated only
6 upon the payment of the required fee for reinstatement in addition to
7 the renewal fee.

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

9 634.190 1. The person charged is entitled to a hearing before
10 the Board, but the failure of the person charged to attend his hearing
11 or his failure to defend himself does not delay or void the
12 proceedings. The Board may, for good cause shown, continue any
13 hearing from time to time.

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

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

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

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

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

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

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

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

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

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

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

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

38 **Sec. 80.5.** NRS 634.208 is hereby amended to read as follows:

39 634.208 1. In addition to any other remedy provided by law,
40 the Board, through its President, Secretary or its attorney, or the
41 Attorney General, may bring an action in any court of competent
42 jurisdiction to enjoin any person who does not hold a license issued
43 by the Board from practicing chiropractic or representing himself to
44 be a chiropractor. *As used in this subsection, "practicing
45 chiropractic" includes the conducting of independent*



1 *examinations and the offering of opinions regarding the treatment*
2 *or care, or both, with respect to patients who are residents of this*
3 *state.*

4 2. The court in a proper case may issue an injunction for such
5 purposes without proof of actual damage sustained by any person,
6 this provision being a preventive as well as a punitive measure. The
7 issuance of such an injunction does not relieve the person from
8 criminal prosecution for a violation of NRS 634.227.

9 **Sec. 81.** NRS 634.212 is hereby amended to read as follows:

10 634.212 1. The Board shall keep a record of its proceedings
11 relating to licensing and disciplinary actions. ~~[These]~~ *Except as*
12 *otherwise provided in section 79 of this act, the* records must be
13 open to public inspection at all reasonable times and must contain
14 the name, known place of business and residence, and the date and
15 number of the license of every chiropractor licensed under this
16 chapter. The Board may keep such other records as it deems
17 desirable.

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

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

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

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

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



1 **Sec. 83.** NRS 634A.250 is hereby amended to read as follows:
2 634A.250 ~~{1}~~ In addition to any other penalties prescribed
3 by law, the Board may, after notice and hearing, impose upon any
4 person who violates any provision of this chapter or the regulations
5 adopted pursuant thereto an administrative fine of not more than
6 \$2,500.

7 ~~{2. If discipline is imposed pursuant to this chapter, the costs of~~
8 ~~the proceeding, including investigative costs and attorney's fees,~~
9 ~~may be recovered by the Board.}~~

10 **Sec. 84.** Chapter 635 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 the 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 3. *An order that imposes discipline and the findings of fact*
22 *and conclusions of law supporting that order are public records.*

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

24 635.130 1. The Board, after notice and hearing, and upon any
25 cause enumerated in subsection 2, may take one or more of the
26 following disciplinary actions:

27 (a) Deny an application for a license or refuse to renew a
28 license.

29 (b) Suspend or revoke a license.

30 (c) Place a licensee on probation.

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

32 ~~{(e) Require the licensee to pay all costs incurred by the Board~~
33 ~~relating to the discipline of the licensee.}~~

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

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

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

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

43 (d) Habitual indulgence in the use of alcohol or any controlled
44 substance which impairs the intellect and judgment to such an extent



1 as in the opinion of the Board incapacitates the holder in the
2 performance of his professional duties.

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

4 (f) Conviction of violating any of the provisions of NRS
5 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
6 inclusive.

7 (g) Conduct which in the opinion of the Board disqualifies him
8 to practice with safety to the public.

9 (h) The commission of fraud by or on behalf of the licensee
10 regarding his license or practice.

11 (i) Gross incompetency.

12 (j) Affliction of the licensee with any mental or physical
13 disorder which seriously impairs his competence as a podiatric
14 physician or podiatry hygienist.

15 (k) False representation by or on behalf of the licensee regarding
16 his practice.

17 (l) Unethical or unprofessional conduct.

18 (m) Willful or repeated violations of this chapter or regulations
19 adopted by the Board.

20 (n) Willful violation of the regulations adopted by the State
21 Board of Pharmacy.

22 **Sec. 86.** NRS 635.180 is hereby amended to read as follows:

23 635.180 Except as otherwise provided in NRS 635.167, every
24 person who practices podiatry or as a podiatry hygienist without
25 having complied with the provisions of this chapter must be fined
26 not more than \$10,000 for each offense . ~~and may be required to~~
27 ~~pay all costs incurred by the Board relating to the discipline of the~~
28 ~~person.]~~

29 **Sec. 87.** Chapter 636 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. 88.** NRS 636.105 is hereby amended to read as follows:

41 636.105 1. The Executive Director shall make and keep:

42 (a) A record of all meetings and proceedings of the Board.

43 (b) A record of all prosecutions and violations of this chapter.

44 (c) A record of the results of all examinations of applicants.

45 (d) A register of all licensees.



1 (e) An inventory of all property of the Board and all property of
2 the State in the Board's possession.

3 2. ~~[A]H~~ *Except as otherwise provided in section 87 of this act,*
4 records of the Board are subject to public inspection.

5 3. All records of the Board must be kept in the office of the
6 Board.

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

8 636.325 1. Upon conclusion of the hearing, or waiver thereof
9 by the licensee against whom the charge is filed, the Board shall
10 make and announce its decision. If the Board determines that the
11 allegations included in the charge are true, it may ~~[, in the exercise~~
12 ~~of reasonable discretion,]~~ take any one or more of the following
13 actions:

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

15 (b) Place the licensee on probation for a specified or unspecified
16 period;

17 (c) Suspend the licensee from practice for a specified or
18 unspecified period;

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

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

23 The Board may, in connection with a reprimand, probation or
24 suspension, impose such other terms or conditions as it deems
25 necessary.

26 2. If the Board determines that the allegations included in the
27 charge are false or do not warrant disciplinary action, it shall
28 dismiss the charge.

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

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

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

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

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

44 637.085 1. Except as otherwise provided in subsection 2, *and*
45 *section 90 of this act,* all applications for licensure, any charges



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1 filed by the Board, financial records of the Board, formal hearings
2 on any charges heard by the Board or a panel selected by the Board,
3 records of the hearings and any order or decision of the Board or
4 panel must be open to the public.

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

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

9 ~~[(b)]~~ ~~[(All investigations and records of investigations.)]~~

10 ~~[(e)]~~ Any report concerning the fitness of any person to receive
11 or hold a license to practice ophthalmic dispensing.

12 ~~[(d)]~~ (c) Any communication between:

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

14 (2) The Board or its staff, investigators, experts, committees,
15 panels, hearing officers, advisory members or consultants and
16 counsel for the Board.

17 ~~[(e)]~~ (d) Any other information or records in the possession of
18 the Board.

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

23 **Sec. 92.** NRS 637.150 is hereby amended to read as follows:

24 637.150 **1.** Upon proof to the satisfaction of the Board that an
25 applicant or holder of a license:

26 ~~[(1)]~~ (a) Has been adjudicated insane;

27 ~~[(2)]~~ (b) Habitually uses any controlled substance or intoxicant;

28 ~~[(3)]~~ (c) Has been convicted of a crime involving moral
29 turpitude;

30 ~~[(4)]~~ (d) Has been convicted of violating any of the provisions of
31 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
32 inclusive;

33 ~~[(5)]~~ (e) Has advertised in any manner which would tend to
34 deceive, defraud or mislead the public;

35 ~~[(6)]~~ (f) Has presented to the Board any diploma, license or
36 certificate that has been signed or issued unlawfully or under
37 fraudulent representations, or obtains or has obtained a license to
38 practice in the State through fraud of any kind;

39 ~~[(7)]~~ (g) Has been convicted of a violation of any federal or state
40 law relating to a controlled substance;

41 ~~[(8)]~~ (h) Has violated any regulation of the Board;

42 ~~[(9)]~~ (i) Has violated any provision of this chapter;

43 ~~[(10)]~~ (j) Is incompetent;

44 ~~[(11)]~~ (k) Is guilty of unethical or unprofessional conduct as
45 determined by the Board;



1 ~~{12.}~~ (l) Is guilty of repeated malpractice, which may be
2 evidenced by claims of malpractice settled against a practitioner; or
3 ~~{13.}~~ (m) Is guilty of a fraudulent or deceptive practice as
4 determined by the Board,
5 the Board may, in the case of an applicant, refuse to grant him a
6 license, or may, in the case of a holder of a license, place him on
7 probation, reprimand him ~~{privately or}~~ publicly, require him to pay
8 an administrative fine of not more than \$10,000, suspend or revoke
9 his license, or take any combination of these disciplinary actions.

10 **2. The Board shall not privately reprimand a holder of a**
11 **license.**

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. 93.** Chapter 637A 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 Board, all documents and other information filed**
18 **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 Board to**
22 **initiate disciplinary action and all documents and information**
23 **considered by the Board when determining whether to impose**
24 **discipline are public records.**

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

26 637A.290 1. The holder of any license issued by the Board
27 whose default has been entered or who has been heard by the Board
28 and found guilty of the violation alleged in the complaint may be
29 disciplined by the Board by one or more of the following methods:

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

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

34 (c) Revoking the license;

35 (d) Public ~~{or private}~~ reprimand;

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

38 (f) ~~{Requiring the licensee to pay the costs incurred by the~~
39 ~~Board in investigating and disciplining the licensee;~~

40 ~~{(g)}~~ Requiring the licensee to pay restitution to any person who
41 has suffered an economic loss as a result of a violation of the
42 provisions of this chapter or any regulation adopted by the Board
43 pursuant thereto; or



1 ~~(h)~~ (g) Requiring the licensee to retake and pass the
2 examination or otherwise demonstrate that he is qualified and
3 competent to practice.

4 2. If a license is suspended, it must be surrendered to the Board
5 and returned to the licensee upon termination of the period of
6 suspension.

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

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

10 **Sec. 95.** Chapter 637B 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. 96.** NRS 637B.280 is hereby amended to read as follows:

22 637B.280 1. If, after the hearing, the Board determines that
23 the applicant or licensee has committed any act which constitutes
24 grounds for disciplinary action, the Board may, in the case of the
25 applicant, refuse to issue a license, and in all other cases:

26 ~~(1)~~ (a) Refuse to renew a license;

27 ~~(2)~~ (b) Revoke a license;

28 ~~(3)~~ (c) Suspend a license for a definite time, not to exceed 1
29 year;

30 ~~(4)~~ (d) Administer to the licensee a public ~~for private~~
31 reprimand; or

32 ~~(5)~~ (e) Impose a civil penalty not to exceed \$1,000.

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

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

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

38 1. *Except as otherwise provided in this section, a complaint
39 filed with the Board, all documents and other information filed
40 with the complaint and all documents and other information
41 compiled as a result of an investigation conducted to determine
42 whether to initiate disciplinary action are confidential.*

43 2. *The complaint or other document filed by the Board to
44 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. 98.** NRS 638.087 is hereby amended to read as follows:

4 638.087 1. The Board shall keep a record of:

5 (a) All charges filed against a licensee;

6 (b) The proceedings of any formal hearing conducted by the
7 Board or a hearing officer;

8 (c) Any order filed by the Board; and

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

12 2. ~~The~~ *Except as otherwise provided in section 97 of this*
13 *act, the* records of the Board listed in subsection 1 must be open to
14 the public at reasonable times and places.

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

16 638.100 1. Any person who desires to secure a license to
17 practice veterinary medicine, surgery, obstetrics or dentistry in the
18 State of Nevada must make written application to the Executive
19 Director of the Board.

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

23 (a) Is of good moral character;

24 (b) Except as otherwise provided in subsection 3, has received a
25 diploma conferring the degree of doctor of veterinary medicine or
26 its equivalent from a school of veterinary medicine within the
27 United States or Canada or, if the applicant is a graduate of a school
28 of veterinary medicine located outside the United States or Canada,
29 that he has received an educational certificate issued after
30 December 31, 1972, by the Educational ~~Committee on~~
31 *Commission for* Foreign Veterinary Graduates of the American
32 Veterinary Medical Association;

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

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

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

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



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

4 ~~[6.—If an applicant brings a civil action against the Board for
5 denial of a license and the decision of the Board is upheld, the
6 Board may recover all administrative expenses and attorney’s fees
7 and costs incurred by the Board in defending the action brought
8 against it.]~~

9 **Sec. 100.** NRS 638.147 is hereby amended to read as follows:

10 638.147 **1.** If the Board determines that any applicant for a
11 license or any person licensed pursuant to this chapter has
12 committed any of the acts which are grounds for disciplinary action,
13 the Board may:

- 14 ~~[1.]~~ (a) Refuse to issue a license.
- 15 ~~[2.]~~ (b) Refuse to renew a license.
- 16 ~~[3.]~~ (c) Revoke a license.
- 17 ~~[4.]~~ (d) Suspend a license for a definite period or until further
18 order of the Board.
- 19 ~~[5.]~~ (e) Impose a fine in an amount not to exceed \$10,000 for
20 each act which constitutes a ground for disciplinary action.
- 21 ~~[6.]~~ (f) Place a licensee on probation subject to any reasonable
22 conditions imposed by the Board, including requiring courses in
23 continuing education or a periodic or continuous review of his
24 practice.

25 ~~[7.]~~ (g) Administer a public ~~for private reprimand.~~
26 ~~—8.] reprimand.~~

27 (h) Limit the practice of the licensee to specified branches of
28 veterinary medicine.

29 ~~[9.]~~ (i) Require the licensee to take a competency examination
30 or a mental or physical examination.

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

- 33 **2. The Board shall not administer a private reprimand.**
- 34 **3. An order that imposes discipline and the findings of fact**
35 **and conclusions of law supporting that order are public records.**

36 **Sec. 101.** NRS 639.2485 is hereby amended to read as
37 follows:

38 639.2485 1. ~~[Any]~~ **Except as otherwise provided in this**
39 **section, any** records or information obtained during the course of an
40 investigation by the Board and any record of the investigation are
41 confidential . ~~[until the investigation is completed. Upon completion~~
42 ~~of the investigation the information and records are public records,~~
43 ~~only if:~~

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



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

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

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

12 ~~[3.]~~ 4. If the Board receives a request or subpoena for records
13 or information obtained during an investigation by the Board and
14 the records or information is not made public pursuant to subsection
15 ~~[1.]~~ 2, the Board shall notify the person regarding whom the
16 investigation was made of the request or subpoena. If that person
17 does not consent in writing to the release of the records or
18 information, the Board may release the records or information only
19 upon the order of a court of competent jurisdiction.

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

21 639.255 1. The holder of any certificate, license or permit
22 issued by the Board, whose default has been entered or who has
23 been heard by the Board and found guilty of the violations alleged
24 in the accusation, may be disciplined by the Board by one or more
25 of the following methods:

- 26 (a) Suspending judgment;
- 27 (b) Placing the certificate, license or permit holder on probation;
- 28 (c) Suspending the right of a certificate holder to practice, or the
29 right to use any license or permit, for a period to be determined by
30 the Board;
- 31 (d) Revoking the certificate, license or permit;
- 32 (e) Public reprimand; *or*
- 33 (f) Imposition of a fine for each count of the accusation, in
34 accordance with the schedule of fines established pursuant to
35 subsection 3. ~~[; or~~

36 ~~—(g) Requiring the certificate, license or permit holder to pay all~~
37 ~~costs and attorney's fees incurred by the Board relating to the~~
38 ~~discipline of the person.]~~

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

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



1 **4. The Board shall not issue a private reprimand.**
2 **5. An order that imposes discipline and the findings of fact**
3 **and conclusions of law supporting that order are public records.**

4 **Sec. 103.** NRS 640.075 is hereby amended to read as follows:
5 640.075 1. ~~[Any] Except as otherwise provided in this~~
6 ~~section, any~~ records or information obtained during the course of an
7 investigation by the Board and any record of the investigation are
8 confidential. ~~[until the investigation is completed. Upon completion~~
9 ~~of the investigation the information and records are public records,~~
10 ~~only if:~~

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

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

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

20 3. This section does not prevent or prohibit the Board from
21 communicating or cooperating with another licensing board or any
22 agency that is investigating a licensee, including a law enforcement
23 agency.

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. 104.** NRS 640.160 is hereby amended to read as follows:
27 640.160 1. The Board, after ~~[due]~~ notice and hearing, and
28 upon any ground enumerated in subsection 2, may take one or more
29 of the following actions:

30 (a) Refuse to issue a license or temporary license to any
31 applicant.

32 (b) Refuse to renew the license or temporary license of any
33 person.

34 (c) Suspend or revoke the license or temporary license of any
35 person.

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

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

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

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

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



- 1 (b) Has been convicted of violating any state or federal law
- 2 relating to controlled substances.
- 3 (c) Is, in the judgment of the Board, guilty of immoral or
- 4 unprofessional conduct.
- 5 (d) Has been convicted of any crime involving moral turpitude.
- 6 (e) Has been convicted of violating any of the provisions of
- 7 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
- 8 inclusive.
- 9 (f) Is guilty, in the judgment of the Board, of gross negligence in
- 10 his practice as a physical therapist which may be evidenced by
- 11 claims of malpractice settled against a practitioner.
- 12 (g) Has obtained or attempted to obtain a license by fraud or
- 13 material misrepresentation.
- 14 (h) Has been declared insane by a court of competent
- 15 jurisdiction and has not thereafter been lawfully declared sane.
- 16 (i) Has entered into any contract or arrangement which provides
- 17 for the payment of an unearned fee to any person following his
- 18 referral of a patient.
- 19 (j) Has employed as a physical therapist any unlicensed physical
- 20 therapist or physical therapist whose license has been suspended.
- 21 (k) Has had his license to practice physical therapy suspended,
- 22 revoked or in any way limited by another jurisdiction.
- 23 (l) Is determined to be professionally incompetent by the Board.
- 24 (m) Has violated any provision of this chapter or the Board's
- 25 regulations.

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

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

38 2. If the Board receives a report pursuant to subsection 5 of
39 NRS 228.420, a hearing must be held to consider the report within
40 30 days after receiving the report.

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

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

- 44 (a) The obtaining of a license by fraud or through the
- 45 misrepresentation or concealment of a material fact;



- 1 (b) The conviction of any crime, except a misdemeanor which
- 2 does not involve moral turpitude; and
- 3 (c) The violation of any provision of this chapter or regulation
- 4 of the Board adopted pursuant to this chapter.

5 **Sec. 106.** NRS 640A.220 is hereby amended to read as

6 follows:

7 640A.220 ~~[Any]~~

8 **1. Except as otherwise provided in this section, any** records or

9 information obtained during the course of an investigation by the

10 Board are confidential . ~~[until the investigation is completed. Upon~~

11 ~~completion of the investigation, the records and information are~~

12 ~~public records if:~~

13 ~~—1. Disciplinary action is imposed by the Board as a result of the~~

14 ~~investigation; or~~

15 ~~—2. The person under investigation submits a written request to~~

16 ~~the Board asking that the information and records be made]~~

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

22 641.090 1. The Secretary-Treasurer shall make and keep on

23 behalf of the Board:

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

25 (b) A record of all violations and prosecutions under the

26 provisions of this chapter.

27 (c) A record of all examinations of applicants.

28 (d) A register of all licenses.

29 (e) A register of all holders of licenses.

30 (f) An inventory of the property of the Board and of the State in

31 the Board's possession.

32 2. These records must be kept in the office of the Board and ,

33 **except as otherwise provided in NRS 641.255,** are subject to public

34 inspection during normal working hours upon reasonable notice.

35 3. The Board may keep the personnel records of applicants

36 confidential.

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

38 641.240 **1.** If the Board, a panel of its members or a hearing

39 officer appointed by the Board finds the person guilty as charged in

40 the complaint, it may:

41 ~~[1.] (a) Administer a public [or private reprimand.~~

42 ~~—2.] reprimand.~~

43 **(b)** Limit his practice.

44 ~~[3.] (c)~~ Suspend his license for a period of not more than 1 year.

45 ~~[4.] (d)~~ Revoke his license.



- 1 ~~[5.]~~ (e) Impose a fine of not more than \$5,000.
- 2 ~~[6.]~~ (f) Revoke or suspend his license and impose a monetary
- 3 penalty.
- 4 ~~[7.]~~ (g) Suspend the enforcement of any penalty by placing him
- 5 on probation. The Board may revoke the probation if the person
- 6 does not follow any conditions imposed.
- 7 ~~[8.]~~ (h) Require the person to submit to the supervision of or
- 8 counseling or treatment by a person designated by the Board. The
- 9 person named in the complaint is responsible for any expense
- 10 incurred.

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

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

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

- 17 *2. The Board shall not administer a private reprimand.*
- 18 *3. An order that imposes discipline and the findings of fact*
- 19 *and conclusions of law supporting that order are public records.*

20 **Sec. 109.** NRS 641.255 is hereby amended to read as follows:
 21 641.255 ~~[A]]~~

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

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. 110.** NRS 641A.191 is hereby amended to read as
 35 follows:

36 641A.191 1. ~~[Any]~~ *Except as otherwise provided in this*
 37 *section, any records or information obtained during the course of an*
 38 *investigation by the Board and any record of the investigation are*
 39 *confidential. ~~[until the investigation is completed. Except as~~*
 40 *otherwise provided in NRS 641A.315, upon completion of the*
 41 *investigation the information and records are public records, only if:*
 42 *—(a) Disciplinary action is imposed by the Board as a result of the*
 43 *investigation; or*



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

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

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

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

14 641A.320 1. The Board may discipline the holder of any
15 license whose default has been entered or who has been heard by the
16 Board and found guilty, by any of the following methods:

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

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

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

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

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

23 ~~[6.]~~ (f) Imposing an administrative fine of not more than
24 \$5,000.

25 ~~[7.]~~ (g) Requiring him to complete successfully another
26 examination.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 4. The Board may, for good cause, continue a hearing from
41 time to time.

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



- 1 (a) Administer a public ~~for private~~ reprimand;
- 2 (b) Suspend his license or certificate and impose conditions for
- 3 the removal of the suspension;
- 4 (c) Revoke his license or certificate and prescribe the
- 5 requirements for the reinstatement of the license or certificate;
- 6 (d) If he is a licensed or certified counselor, require him to be
- 7 supervised by another person while he engages in the practice of
- 8 counseling alcohol and drug abusers;
- 9 (e) Require him to participate in treatment or counseling and pay
- 10 the expenses of that treatment or counseling;
- 11 (f) Require him to pay restitution to any person adversely
- 12 affected by his acts or omissions;
- 13 (g) Impose a fine of not more than \$5,000; *or*

14 ~~(h) [Require him to pay the costs of the Board for the~~
15 ~~investigation and hearing; or~~
16 ~~—(i)]~~ Take any combination of the actions authorized by
17 paragraphs (a) to ~~(h);~~ (g), inclusive.

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

28 *7. The Board shall not administer a private reprimand.*
29 *8. An order that imposes discipline and the findings of fact*
30 *and conclusions of law supporting that order are public records.*

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

33 641C.760 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. Upon completion~~
37 ~~of the investigation, the information and records are public records~~
38 ~~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. If the Board receives a request or subpoena for records or
4 information obtained during an investigation by the Board and the
5 records or information is not made public pursuant to subsection ~~[1.]~~
6 2, the Board shall notify the person regarding whom the
7 investigation was made of the request or subpoena. If that person
8 does not consent in writing to the release of the records or
9 information, the Board may release the records or information only
10 upon the order of a court of competent jurisdiction.

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

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

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

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

23 642.135 1. If the Board determines that a person who is
24 licensed to practice the profession of embalming pursuant to this
25 chapter has committed any of the acts set forth in NRS 642.130, the
26 Board may:

27 ~~[1.]~~ (a) Refuse to renew his license;

28 ~~[2.]~~ (b) Revoke his license;

29 ~~[3.]~~ (c) Suspend his license for a definite period or until further
30 order of the Board;

31 ~~[4.]~~ (d) Impose a fine of not more than \$5,000 for each act
32 which constitutes a ground for disciplinary action;

33 ~~[5.]~~ (e) Place him on probation for a definite period subject to
34 any reasonable conditions imposed by the Board;

35 ~~[6.]~~ (f) Administer a public ~~for private reprimand;~~

36 ~~—7.— Require him to pay the costs incurred by the Board in taking~~
37 ~~disciplinary action against him; or~~

38 ~~—8.— reprimand; or~~

39 (g) Impose any combination of disciplinary actions set forth in
40 this section.

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

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



1 **Sec. 117.** NRS 642.473 is hereby amended to read as follows:
2 642.473 1. If the Board determines that a person who holds a
3 funeral director's license, a permit to operate a funeral establishment
4 or a license to conduct direct cremations or immediate burials has
5 committed any of the acts set forth in NRS 642.470, the Board may:

- 6 (a) Refuse to renew his license or permit;
7 (b) Revoke his license or permit;
8 (c) Suspend his license or permit for a definite period or until
9 further order of the Board;
10 (d) Impose a fine of not more than \$5,000 for each act that
11 constitutes a ground for disciplinary action;
12 (e) Place him on probation for a definite period subject to any
13 reasonable conditions imposed by the Board;
14 (f) Administer a public ~~for private~~ reprimand; *or*
15 (g) ~~Require him to pay the costs incurred by the Board in taking~~
16 ~~disciplinary action against him; or~~
17 ~~(h)~~ Impose any combination of disciplinary actions set forth in
18 paragraphs (a) to ~~(g)~~ (f), inclusive.

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

- 25 3. *The Board shall not administer a private reprimand.*
26 4. *An order that imposes discipline and the findings of fact*
27 *and conclusions of law supporting that order are public records.*

28 **Sec. 118.** Chapter 643 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 Board, all documents and other information filed*
32 *with the complaint and all documents and other information*
33 *compiled as a result of an investigation conducted to determine*
34 *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. 119.** NRS 643.185 is hereby amended to read as follows:
40 643.185 1. The following are grounds for disciplinary action
41 by the Board:

- 42 (a) Violation by any person licensed pursuant to the provisions
43 of this chapter of any provision of this chapter or the regulations
44 adopted by the Board.
45 (b) Conviction of a felony.



- 1 (c) Malpractice or incompetency.
- 2 (d) Continued practice by a person knowingly having an
- 3 infectious or contagious disease.
- 4 (e) Advertising, practicing or attempting to practice under
- 5 another's name or trade name.
- 6 (f) Drunkenness or addiction to a controlled substance.

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

- 9 (a) Refuse to issue or renew a license;
- 10 (b) Revoke or suspend a license; *and*
- 11 (c) Impose a fine of not more than \$1,000. ~~]; and~~
- 12 ~~—(d) Require the person to pay all costs incurred by the Board~~
- 13 ~~relating to the discipline of the person.]~~

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

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

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

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

27 **Sec. 121.** NRS 644.080 is hereby amended to read as follows:
28 644.080 The Board:

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

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

36 3. May adopt a seal.

37 4. May issue subpoenas to compel the attendance of witnesses
38 and the production of books and papers.

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

40 644.430 1. The following are grounds for disciplinary action
41 by the Board:

42 (a) Failure of an owner of a cosmetological establishment, a
43 licensed aesthetician, cosmetologist, hair designer, electrologist,
44 instructor, manicurist, demonstrator of cosmetics or school of
45 cosmetology, or a cosmetologist's apprentice to comply with the



1 requirements of this chapter or the applicable regulations adopted by
2 the Board.

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

5 (c) Gross malpractice.

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

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

11 (f) Advertisement by means of knowingly false or deceptive
12 statements.

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

15 (h) Failure to display the license as provided in NRS 644.290,
16 644.360 and 644.410.

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

19 (j) Continued practice of cosmetology or operation of a
20 cosmetological establishment or school of cosmetology after the
21 license therefor has expired.

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

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

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

27 (b) Revoke or suspend a license;

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

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

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

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

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

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



1 **Sec. 124.** NRS 645.180 is hereby amended to read as follows:
2 645.180 1. The Division shall adopt a seal by which it shall
3 authenticate its proceedings.

4 2. ~~Records~~ *Except as otherwise provided in section 123 of*
5 *this act, records* kept in the office of the Division under authority of
6 this chapter are open to public inspection under regulations adopted
7 by the ~~Real Estate~~ Division, except that the Division may refuse to
8 make public, unless ordered to do so by a court:

9 (a) Real estate brokers' and real estate salesmen's examinations;
10 *and*

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

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

15 3. Copies of all records and papers in the office of the Division,
16 certified and authenticated by the seal of the Division, must be
17 received in evidence in all courts equally and with like effect as the
18 originals.

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

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

29 ~~1-~~ (a) Making any material misrepresentation.

30 ~~2-~~ (b) Making any false promises of a character likely to
31 influence, persuade or induce.

32 ~~3-~~ (c) Accepting a commission or valuable consideration as a
33 real estate broker-salesman or salesman for the performance of any
34 of the acts specified in this chapter or chapter 119 or 119A of NRS
35 from any person except the licensed real estate broker with whom he
36 is associated or the owner-developer by whom he is employed.

37 ~~4-~~ (d) Representing or attempting to represent a real estate
38 broker other than the broker with whom he is associated, without the
39 express knowledge and consent of the broker with whom he is
40 associated.

41 ~~5-~~ (e) Failing to maintain, for review and audit by the
42 Division, each brokerage agreement governed by the provisions of
43 this chapter and entered into by the licensee.



- 1 ~~{6.}~~ (f) Failing, within a reasonable time, to account for or to
2 remit any money which comes into his possession and which
3 belongs to others.
- 4 ~~{7.}~~ (g) If he is required to maintain a trust account:
5 ~~{a.}~~ (1) Failing to balance the trust account at least monthly;
6 and
7 ~~{b.}~~ (2) Failing to submit to the Division an annual accounting
8 of the trust account as required in NRS 645.310.
- 9 ~~{8.}~~ (h) Commingling the money or other property of his clients
10 with his own or converting the money of others to his own use.
- 11 ~~{9.}~~ (i) In the case of a broker-salesman or salesman, failing to
12 place in the custody of his licensed broker or owner-developer, as
13 soon as possible, any deposit or other money or consideration
14 entrusted to him by any person dealing with him as the
15 representative of his licensed broker.
- 16 ~~{10.}~~ (j) Accepting other than cash as earnest money unless that
17 fact is communicated to the owner before his acceptance of the offer
18 to purchase and that fact is shown in the receipt for the earnest
19 money.
- 20 ~~{11.}~~ (k) Upon acceptance of an agreement, in the case of a
21 broker, failing to deposit any check or cash received as earnest
22 money before the end of the next banking day unless otherwise
23 provided in the purchase agreement.
- 24 ~~{12.}~~ (l) Inducing any party to a brokerage agreement, sale or
25 lease to break it in order to substitute a new brokerage agreement,
26 agreement of sale or lease with the same or another party if the
27 inducement to make the substitution is offered to secure personal
28 gain to the licensee or owner-developer.
- 29 ~~{If discipline is imposed pursuant to this section, the costs of the
30 proceeding, including investigative costs and attorney's fees, may
31 be recovered by the Board.}~~
- 32 *2. An order that imposes discipline and the findings of fact
33 and conclusions of law supporting that order are public records.*
- 34 **Sec. 126.** NRS 645.990 is hereby amended to read as follows:
35 645.990 1. A person who:
36 (a) Obtains or attempts to obtain a license pursuant to this
37 chapter by means of intentional misrepresentation, deceit or fraud;
38 or
39 (b) Sells or attempts to sell in this state any interest in real
40 property by means of intentional misrepresentation, deceit or
41 fraud,
42 is guilty of a category D felony and shall be punished as provided in
43 NRS 193.130. In addition to any other penalty, the court shall order
44 the person to pay restitution.



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

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

8 4. Any officer or agent of a corporation, or member or agent of
9 a limited-liability company, partnership or association, who
10 personally participates in or is an accessory to any violation of this
11 chapter by the limited-liability company, partnership, association or
12 corporation, is subject to the penalties prescribed in this section for
13 natural persons.

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

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

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

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

28 **Sec. 127.** Chapter 645A 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 Commissioner, all documents and other information*
32 *filed with the complaint and all documents and other information*
33 *compiled as a result of the investigation conducted to determine*
34 *whether to initiate disciplinary action are confidential.*

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

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

41 645A.050 1. Subject to the administrative control of the
42 Director of the Department of Business and Industry, the
43 Commissioner shall exercise general supervision and control over
44 escrow agents and agencies doing business in the State of Nevada.



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

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

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

7 (c) Conduct such investigations as may be necessary to
8 determine whether any person has violated any provision of this
9 chapter.

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

14 (e) Classify as confidential the financial statements of an escrow
15 agency and those records and information obtained by the Division
16 which:

17 (1) Are obtained from a governmental agency upon the
18 express condition that they remain confidential.

19 (2) ~~Consist~~ *Except as otherwise provided in section 127 of*
20 *this act, consist* of information compiled by the Division in the
21 investigation of possible violations of this chapter.

22 This paragraph does not limit examination by the Legislative
23 Auditor or any other person pursuant to a court order.

24 3. An escrow agency may engage a certified public accountant
25 to perform such an examination in lieu of the Division. In such a
26 case, the examination must be equivalent to the type of examination
27 made by the Division and the expense must be borne by the escrow
28 agency being examined.

29 4. The Commissioner shall determine whether an examination
30 performed by an accountant pursuant to subsection 3 is equivalent to
31 an examination conducted by the Division. The Commissioner may
32 examine any area of the operation of an escrow agency if the
33 Commissioner determines that the examination of that area is not
34 equivalent to an examination conducted by the Division.

35 **Sec. 129.** NRS 645A.090 is hereby amended to read as
36 follows:

37 645A.090 1. The Commissioner may refuse to license any
38 escrow agent or agency or may suspend or revoke any license or
39 impose a fine of not more than \$500 for each violation by entering
40 an order to that effect, with his findings in respect thereto, if upon a
41 hearing, it is determined that the applicant or licensee:

42 (a) In the case of an escrow agency, is insolvent;

43 (b) Has violated any provision of this chapter or any regulation
44 adopted pursuant thereto or has aided and abetted another to do so;



- 1 (c) In the case of an escrow agency, is in such a financial
2 condition that he cannot continue in business with safety to his
3 customers;
- 4 (d) Has committed fraud in connection with any transaction
5 governed by this chapter;
- 6 (e) Has intentionally or knowingly made any misrepresentation
7 or false statement to, or concealed any essential or material fact
8 from, any principal or designated agent of a principal in the course
9 of the escrow business;
- 10 (f) Has intentionally or knowingly made or caused to be made to
11 the Commissioner any false representation of a material fact or has
12 suppressed or withheld from the Commissioner any information
13 which the applicant or licensee possesses;
- 14 (g) Has failed without reasonable cause to furnish to the parties
15 of an escrow their respective statements of the settlement within a
16 reasonable time after the close of escrow;
- 17 (h) Has failed without reasonable cause to deliver, within a
18 reasonable time after the close of escrow, to the respective parties of
19 an escrow transaction any money, documents or other properties
20 held in escrow in violation of the provisions of the escrow
21 instructions;
- 22 (i) Has refused to permit an examination by the Commissioner
23 of his books and affairs or has refused or failed, within a reasonable
24 time, to furnish any information or make any report that may be
25 required by the Commissioner pursuant to the provisions of this
26 chapter;
- 27 (j) Has been convicted of a felony or any misdemeanor of which
28 an essential element is fraud;
- 29 (k) In the case of an escrow agency, has failed to maintain
30 complete and accurate records of all transactions within the last 6
31 years;
- 32 (l) Has commingled the money of others with his own or
33 converted the money of others to his own use;
- 34 (m) Has failed, before the close of escrow, to obtain written
35 escrow instructions concerning any essential or material fact or
36 intentionally failed to follow the written instructions which have
37 been agreed upon by the parties and accepted by the holder of the
38 escrow;
- 39 (n) Has failed to disclose in writing that he is acting in the dual
40 capacity of escrow agent or agency and undisclosed principal in any
41 transaction; or
- 42 (o) In the case of an escrow agency, has:
- 43 (1) Failed to maintain adequate supervision of an escrow
44 agent; or



1 (2) Instructed an escrow agent to commit an act which would
2 be cause for the revocation of the escrow agent's license and the
3 escrow agent committed the act. An escrow agent is not subject to
4 disciplinary action for committing such an act under instruction by
5 the escrow agency.

6 2. It is sufficient cause for the imposition of a fine or the
7 refusal, suspension or revocation of the license of a partnership,
8 corporation or any other association that any member of the
9 partnership or any officer or director of the corporation or
10 association has been guilty of any act or omission which would be
11 cause for such action had the applicant or licensee been a natural
12 person.

13 3. The Commissioner may suspend any license for not more
14 than 30 days, pending a hearing, if upon examination into the affairs
15 of the licensee it is determined that any of the grounds enumerated
16 in subsection 1 or 2 exist.

17 4. The Commissioner may refuse to issue a license to any
18 person who, within 10 years before the date of applying for a current
19 license, has had suspended or revoked a license issued pursuant to
20 this chapter or a comparable license issued by any other state,
21 district or territory of the United States or any foreign country.

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

24 **Sec. 130.** Chapter 645B of NRS is hereby amended by adding
25 thereto a new section to read as follows:

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

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

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

37 **Sec. 131.** NRS 645B.070 is hereby amended to read as
38 follows:

39 645B.070 1. In the conduct of any examination, periodic or
40 special audit, investigation or hearing, the Commissioner may:

41 (a) Compel the attendance of any person by subpoena.

42 (b) Administer oaths.

43 (c) Examine any person under oath concerning the business and
44 conduct of affairs of any person subject to the provisions of this



1 chapter and in connection therewith require the production of any
2 books, records or papers relevant to the inquiry.

3 2. Any person subpoenaed under the provisions of this section
4 who willfully refuses or willfully neglects to appear at the time and
5 place named in the subpoena or to produce books, records or papers
6 required by the Commissioner, or who refuses to be sworn or
7 answer as a witness, is guilty of a misdemeanor and shall be
8 punished as provided in NRS 645B.950.

9 3. ~~The~~ *In addition to the authority to recover attorney's fees*
10 *and costs pursuant to any other statute, the* Commissioner may
11 assess against and collect from a person all costs, including, without
12 limitation, reasonable attorney's fees, that are attributable to any
13 examination, periodic or special audit, investigation or hearing that
14 is conducted to examine or investigate the conduct, activities or
15 business of the person pursuant to this chapter.

16 **Sec. 132.** NRS 645B.090 is hereby amended to read as
17 follows:

18 645B.090 1. Except as otherwise provided in this section or
19 by specific statute, all papers, documents, reports and other written
20 instruments filed with the Commissioner pursuant to this chapter are
21 open to public inspection.

22 2. Except as otherwise provided in subsection 3, the
23 Commissioner may withhold from public inspection or refuse to
24 disclose to a person, for such time as the Commissioner considers
25 necessary, any information that, in his judgment, would:

26 (a) Impede or otherwise interfere with an investigation that is
27 currently pending against a mortgage broker;

28 (b) Have an undesirable effect on the welfare of the public or the
29 welfare of any mortgage broker or mortgage agent; or

30 (c) Give any mortgage broker a competitive advantage over any
31 other mortgage broker.

32 3. ~~The~~ *Except as otherwise provided in section 130 of this*
33 *act, the* Commissioner shall disclose the following information
34 concerning a mortgage broker to any person who requests it:

35 (a) The findings and results of any investigation which has been
36 completed during the immediately preceding 5 years against the
37 mortgage broker pursuant to the provisions of this chapter and
38 which has resulted in a finding by the Commissioner that the
39 mortgage broker committed a violation of a provision of this
40 chapter, a regulation adopted pursuant to this chapter or an order of
41 the Commissioner; and

42 (b) The nature of any disciplinary action that has been taken
43 during the immediately preceding 5 years against the mortgage
44 broker pursuant to the provisions of this chapter.



1 **Sec. 133.** NRS 645B.610 is hereby amended to read as
2 follows:

3 645B.610 1. If a person properly files a complaint with the
4 Commissioner pursuant to NRS 645B.600, the Commissioner shall
5 investigate each violation alleged in the complaint, unless the
6 Commissioner has previously investigated the alleged violation.

7 2. Except as otherwise provided in subsection 2 of NRS
8 645B.090, if the Commissioner does not conduct an investigation of
9 an alleged violation pursuant to subsection 1 because he previously
10 has investigated the alleged violation, the Commissioner shall
11 provide to the person who filed the complaint a written summary of
12 the previous investigation and the nature of any disciplinary action
13 that was taken as a result of the previous investigation.

14 3. If the Commissioner conducts an investigation of an alleged
15 violation pursuant to subsection 1, the Commissioner shall
16 determine from the investigation whether there is reasonable cause
17 to believe that the person committed the alleged violation.

18 4. If, upon investigation, the Commissioner determines that
19 there is not reasonable cause to believe that the person committed
20 the alleged violation, the Commissioner shall provide the reason for
21 his determination, in writing, to the person who filed the complaint
22 and to the person alleged to have committed the violation.

23 5. Except as otherwise provided in subsection 6, if, upon
24 investigation, the Commissioner determines that there is reasonable
25 cause to believe that the person committed the alleged violation, the
26 Commissioner shall:

27 (a) Schedule a hearing concerning the alleged violation;

28 (b) Mail to the last known address of the person who filed the
29 complaint written notice that must include, without limitation:

30 (1) The date, time and place of the hearing; and

31 (2) A statement of each alleged violation that will be
32 considered at the hearing; and

33 (c) By personal service in accordance with the Nevada Rules of
34 Civil Procedure and any applicable provision of NRS, serve written
35 notice of the hearing to the person alleged to have committed the
36 violation. The written notice that is served pursuant to this
37 paragraph must include, without limitation:

38 (1) The date, time and place of the hearing;

39 (2) A copy of the complaint and a statement of each alleged
40 violation that will be considered at the hearing; and

41 (3) A statement informing the person that, pursuant to NRS
42 645B.760, if he fails to appear, without reasonable cause, at the
43 hearing:

44 (I) He is guilty of a misdemeanor; and



1 (II) The Commissioner is authorized to conduct the
2 hearing in his absence, draw any conclusions that the Commissioner
3 deems appropriate from his failure to appear and render a decision
4 concerning each alleged violation.

5 6. ~~6. [The Commissioner is not required to schedule or conduct a~~
6 ~~hearing concerning an alleged violation pursuant to subsection 5 if~~
7 ~~the Commissioner and the person alleged to have committed the~~
8 ~~violation enter] If the Commissioner enters~~ into a written consent
9 agreement settling or resolving the alleged violation , ~~[. If such a~~
10 ~~written consent agreement is executed.]~~ the Commissioner shall
11 provide a copy of the written consent agreement to the person who
12 filed the complaint.

13 7. The Commissioner may:
14 (a) Investigate and conduct a hearing concerning any alleged
15 violation, whether or not a complaint has been filed.
16 (b) Hear and consider more than one alleged violation against a
17 person at the same hearing.

18 **Sec. 134.** Chapter 645C of NRS is hereby amended by adding
19 thereto a new section to read as follows:

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

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

29 **Sec. 135.** NRS 645C.220 is hereby amended to read as
30 follows:

31 645C.220 1. The Division shall maintain a record of:

- 32 (a) Persons whose applications for a certificate, license or
- 33 registration card have been denied;
- 34 (b) Investigations conducted by it which result in the initiation
- 35 of formal disciplinary proceedings;
- 36 (c) Formal disciplinary proceedings; and
- 37 (d) Rulings or decisions upon complaints filed with it.

38 2. Except as otherwise provided in this section, *and section*
39 *134 of this act*, records kept in the office of the Division pursuant to
40 this chapter are open to the public for inspection pursuant to
41 regulations adopted by the Commission. The Division may keep
42 confidential, unless otherwise ordered by a court:

- 43 (a) Examinations for a certificate or license; *and*
- 44 (b) ~~Information obtained by the Division while investigating~~
45 ~~alleged violations of this chapter; and~~



1 ~~—(e)~~ The criminal and financial records of an appraiser or intern,
2 or an applicant for a certificate, license or registration card.

3 **Sec. 136.** NRS 645C.460 is hereby amended to read as
4 follows:

5 645C.460 1. Grounds for disciplinary action against a
6 certified or licensed appraiser or registered intern include:

- 7 (a) Unprofessional conduct;
- 8 (b) Professional incompetence;
- 9 (c) A criminal conviction for a felony or any offense involving
10 moral turpitude; and
- 11 (d) The suspension or revocation of a registration card,
12 certificate, license or permit to act as an appraiser in any other
13 jurisdiction.

14 2. If grounds for disciplinary action against an appraiser or
15 intern exist, the Commission may do one or more of the following:

- 16 (a) Revoke or suspend his certificate, license or registration
17 card.
- 18 (b) Place conditions upon his certificate, license or registration
19 card, or upon the reissuance of a certificate, license or registration
20 card revoked pursuant to this section.
- 21 (c) Deny the renewal of his certificate, license or registration
22 card.
- 23 (d) Impose a fine of not more than \$1,000 for each violation.

24 3. If a certificate, license or registration card is revoked by the
25 Commission, another certificate, license or registration card must
26 not be issued to the same appraiser or intern for at least 1 year after
27 the date of the revocation, or at any time thereafter except in the sole
28 discretion of the Administrator, and then only if the appraiser or
29 intern satisfies all the requirements for an original certificate, license
30 or registration card.

31 4. ~~If discipline is imposed pursuant to this section, the costs of~~
32 ~~the proceeding, including investigative costs and attorney's fees,~~
33 ~~may be recovered by the Commission.] An order that imposes~~
34 ~~discipline and the findings of fact and conclusions of law~~
35 ~~supporting that order are public records.~~

36 **Sec. 137.** Chapter 645D of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 *1. Except as otherwise provided in this section, a complaint*
39 *filed with the Division, all documents and other information filed*
40 *with the complaint and all documents and other information*
41 *compiled as a result of an investigation conducted to determine*
42 *whether to initiate disciplinary action are confidential.*

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



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

3 **Sec. 138.** NRS 645D.130 is hereby amended to read as
4 follows:

- 5 645D.130 1. The Division shall maintain a record of:
6 (a) Persons from whom it receives applications for a certificate;
7 (b) Investigations conducted by it that result in the initiation of
8 formal disciplinary proceedings;
9 (c) Formal disciplinary proceedings; and
10 (d) Rulings or decisions upon complaints filed with it.

11 2. Except as otherwise provided in this section ~~§~~ *and section*
12 *137 of this act*, records kept in the office of the Division pursuant to
13 this chapter are open to the public for inspection pursuant to
14 regulations adopted by the Division. The Division shall keep
15 confidential, unless otherwise ordered by a court ~~§~~

16 ~~—(a) Information obtained by the Division while investigating~~
17 ~~alleged violations of this chapter; and~~

18 ~~—(b) The~~, *the* criminal and financial records of an inspector or of
19 an applicant for a certificate.

20 **Sec. 139.** NRS 645D.700 is hereby amended to read as
21 follows:

22 645D.700 1. Grounds for disciplinary action against a
23 certified inspector are:

- 24 (a) Unprofessional conduct;
25 (b) Professional incompetence; and
26 (c) A criminal conviction for a felony or any offense involving
27 moral turpitude.

28 2. If grounds for disciplinary action against a certified
29 inspector exist, the Division may, after providing the inspector with
30 notice and an opportunity for a hearing, do one or more of the
31 following:

- 32 (a) Revoke or suspend his certificate.
33 (b) Place conditions upon his certificate or upon the reissuance
34 of a certificate revoked pursuant to this section.
35 (c) Deny the renewal of his certificate
36 (d) Impose a fine of not more than \$1,000 for each violation.

37 3. If a certificate is revoked by the Division, another certificate
38 must not be issued to the same inspector for at least 1 year after the
39 date of the revocation, or at any time thereafter except in the sole
40 discretion of the Administrator, and then only if the inspector
41 satisfies the requirements for an original certificate.

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



1 **Sec. 140.** Chapter 645E 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. 141.** NRS 645E.310 is hereby amended to read as
13 follows:

14 645E.310 1. In the conduct of any examination, periodic or
15 special audit, investigation or hearing, the Commissioner may:

16 (a) Compel the attendance of any person by subpoena.

17 (b) Administer oaths.

18 (c) Examine any person under oath concerning the business and
19 conduct of affairs of any person subject to the provisions of this
20 chapter and , in connection therewith , require the production of any
21 books, records or papers relevant to the inquiry.

22 2. Any person subpoenaed under the provisions of this section
23 who willfully refuses or willfully neglects to appear at the time and
24 place named in the subpoena or to produce books, records or papers
25 required by the Commissioner, or who refuses to be sworn or
26 answer as a witness, is guilty of a misdemeanor.

27 3. ~~[The]~~ *In addition to the authority to recover attorney's fees*
28 *and costs pursuant to any other statute, the* Commissioner may
29 assess against and collect from a person all costs, including, without
30 limitation, reasonable attorney's fees, that are attributable to any
31 examination, periodic or special audit, investigation or hearing that
32 is conducted to examine or investigate the conduct, activities or
33 business of the person pursuant to this chapter.

34 **Sec. 142.** NRS 645E.670 is hereby amended to read as
35 follows:

36 645E.670 1. For each violation committed by an applicant,
37 whether or not he is issued a license, the Commissioner may impose
38 upon the applicant an administrative fine of not more than \$10,000,
39 if the applicant:

40 (a) Has knowingly made or caused to be made to the
41 Commissioner any false representation of material fact;

42 (b) Has suppressed or withheld from the Commissioner any
43 information which the applicant possesses and which, if submitted
44 by him, would have rendered the applicant ineligible to be licensed
45 pursuant to the provisions of this chapter; or



- 1 (c) Has violated any provision of this chapter, a regulation
2 adopted pursuant to this chapter or an order of the Commissioner in
3 completing and filing his application for a license or during the
4 course of the investigation of his application for a license.
- 5 2. For each violation committed by a licensee, the
6 Commissioner may impose upon the licensee an administrative fine
7 of not more than \$10,000, may suspend, revoke or place conditions
8 upon his license, or may do both, if the licensee, whether or not
9 acting as such:
- 10 (a) Is insolvent;
- 11 (b) Is grossly negligent or incompetent in performing any act for
12 which he is required to be licensed pursuant to the provisions of this
13 chapter;
- 14 (c) Does not conduct his business in accordance with law or has
15 violated any provision of this chapter, a regulation adopted pursuant
16 to this chapter or an order of the Commissioner;
- 17 (d) Is in such financial condition that he cannot continue in
18 business with safety to his customers;
- 19 (e) Has made a material misrepresentation in connection with
20 any transaction governed by this chapter;
- 21 (f) Has suppressed or withheld from a client any material facts,
22 data or other information relating to any transaction governed by the
23 provisions of this chapter which the licensee knew or, by the
24 exercise of reasonable diligence, should have known;
- 25 (g) Has knowingly made or caused to be made to the
26 Commissioner any false representation of material fact or has
27 suppressed or withheld from the Commissioner any information
28 which the licensee possesses and which, if submitted by him, would
29 have rendered the licensee ineligible to be licensed pursuant to the
30 provisions of this chapter;
- 31 (h) Has failed to account to persons interested for all money
32 received for a trust account;
- 33 (i) Has refused to permit an examination by the Commissioner
34 of his books and affairs or has refused or failed, within a reasonable
35 time, to furnish any information or make any report that may be
36 required by the Commissioner pursuant to the provisions of this
37 chapter or a regulation adopted pursuant to this chapter;
- 38 (j) Has been convicted of, or entered a plea of nolo contendere
39 to, a felony or any crime involving fraud, misrepresentation or
40 moral turpitude;
- 41 (k) Has refused or failed to pay, within a reasonable time, any
42 fees, assessments, costs or expenses that the licensee is required to
43 pay pursuant to this chapter or a regulation adopted pursuant to this
44 chapter;



1 (l) Has failed to satisfy a claim made by a client which has been
2 reduced to judgment;

3 (m) Has failed to account for or to remit any money of a client
4 within a reasonable time after a request for an accounting or
5 remittal;

6 (n) Has commingled the money or other property of a client
7 with his own or has converted the money or property of others to his
8 own use; or

9 (o) Has engaged in any other conduct constituting a deceitful,
10 fraudulent or dishonest business practice.

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

13 **Sec. 143.** NRS 648.034 is hereby amended to read as follows:

14 648.034 1. ~~{Any}~~ **Except as otherwise provided in this**
15 **section, any** records or information obtained during the course of an
16 investigation of a licensee by the Board and any record of the
17 investigation are confidential . ~~{until the investigation is completed.~~
18 ~~Upon completion of the investigation the information and records~~
19 ~~are public records, only if:~~

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

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

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

29 3. This section does not prevent or prohibit the Board from
30 communicating or cooperating with another licensing board or any
31 agency that is investigating a licensee, including a law enforcement
32 agency.

33 **Sec. 144.** NRS 648.175 is hereby amended to read as follows:

34 648.175 **1.** If, after a hearing, the Board finds that cause
35 exists, the Board may:

36 ~~{1}~~ **(a)** Revoke the license of the licensee.

37 ~~{2}~~ **(b)** Suspend the license of the licensee for not more than 1
38 year for each violation.

39 ~~{3}~~ **(c)** Fine the licensee not more than \$5,000 for each
40 violation.

41 ~~{4}~~ **(d)** Suspend an order authorized by this section upon such
42 terms and conditions as the Board considers appropriate.

43 ~~{5}~~ **(e)** Place the licensee on probation for not more than 2
44 years upon such terms and conditions as the Board considers
45 appropriate.



1 ~~[6. Publicly or privately]~~
 2 (f) Publicly reprimand the licensee.
 3 ~~[7.] (g) Affirm, modify or vacate the penalty imposed by a~~
 4 notice of violation.

5 ~~[8. Require the licensee to pay all costs incurred by the Board~~
 6 ~~relating to the discipline of the licensee.]~~

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

9 **Sec. 145.** Chapter 649 of NRS is hereby amended by adding
 10 thereto a new section to read as follows:

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

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

20 **Sec. 146.** NRS 649.395 is hereby amended to read as follows:

21 649.395 1. The Commissioner may impose an administrative
 22 fine, not to exceed \$500 for each violation, or suspend or revoke the
 23 license of a collection agency, or both impose a fine and suspend or
 24 revoke the license, by an order made in writing and filed in his
 25 office and served on the licensee by registered or certified mail at
 26 the address shown in the records of the Commissioner, if:

27 (a) The licensee is adjudged liable in any court of law for breach
 28 of any bond given under the provisions of this chapter; or

29 (b) After notice and hearing, the licensee is found guilty of:
 30 (1) Fraud or misrepresentation;
 31 (2) An act or omission inconsistent with the faithful
 32 discharge of his duties and obligations; or
 33 (3) A violation of any provision of this chapter.

34 2. The Commissioner may suspend or revoke the license of a
 35 collection agency without notice and hearing if:

36 (a) The suspension or revocation is necessary for the immediate
 37 protection of the public; and

38 (b) The licensee is afforded a hearing to contest the suspension
 39 or revocation within 20 days after the written order of suspension or
 40 revocation is served upon the licensee.

41 3. Upon revocation of his license, all rights of the licensee
 42 under this chapter terminate, and no application may be received
 43 from any person whose license has once been revoked.

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



1 **Sec. 147.** Chapter 652 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. 148.** Chapter 654 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 Board, all documents and other information filed*
18 *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 Board to*
22 *initiate disciplinary action and all documents and information*
23 *considered by the Board when determining whether to impose*
24 *discipline are public records.*

25 **Sec. 149.** NRS 654.110 is hereby amended to read as follows:

26 654.110 1. The Board shall:

27 (a) Develop, impose and enforce standards which must be met
28 by persons to receive licenses as nursing facility administrators or
29 administrators of residential facilities for groups. The standards
30 must be designed to ensure that nursing facility administrators or
31 persons acting as administrators of residential facilities for groups
32 will be persons who are of good character and otherwise suitable,
33 and who, by training or experience in their respective fields of
34 administering health care facilities, are qualified to serve as nursing
35 facility administrators or administrators of residential facilities for
36 groups.

37 (b) Develop and apply appropriate techniques, including
38 examinations and investigations, for determining whether a person
39 meets those standards.

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

42 (d) Revoke or suspend licenses previously issued by the Board
43 in any case if the person holding the license is determined
44 substantially to have failed to conform to the requirements of the
45 standards.



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

5 (f) Receive, investigate and take appropriate action with respect
6 to any charge or complaint filed with the Board to the effect that any
7 person licensed as a nursing facility administrator or an
8 administrator of a residential facility for groups has failed to comply
9 with the requirements of the standards. The Board shall initiate an
10 investigation of any charge or complaint filed with the Board within
11 30 days after receiving the charge or complaint.

12 (g) Conduct a continuing study of:

13 (1) Facilities for skilled nursing, facilities for intermediate
14 care and their administrators; and

15 (2) Residential facilities for groups and their
16 administrators,

17 with a view to the improvement of the standards imposed for the
18 licensing of administrators and of procedures and methods for the
19 enforcement of the standards.

20 (h) Conduct or approve, or both, a program of training and
21 instruction designed to enable all persons to obtain the qualifications
22 necessary to meet the standards set by the Board for qualification as
23 a nursing facility administrator or an administrator of a residential
24 facility for groups.

25 2. All the records kept by the Board, not otherwise privileged
26 ~~or confidential~~, are public records.

27 **Sec. 150.** NRS 654.190 is hereby amended to read as follows:

28 654.190 1. The Board may, after notice and hearing, impose
29 an administrative fine of not more than \$2,500 on and suspend or
30 revoke the license of any nursing facility administrator or
31 administrator of a residential facility for groups who:

32 (a) Is convicted of a felony, or of any offense involving moral
33 turpitude.

34 (b) Has obtained his license by the use of fraud or deceit.

35 (c) Violates any of the provisions of this chapter.

36 (d) Aids or abets any person in the violation of any of the
37 provisions of NRS 449.001 to 449.240, inclusive, as those
38 provisions pertain to a facility for skilled nursing, facility for
39 intermediate care or residential facility for groups.

40 (e) Violates any regulation of the Board prescribing additional
41 standards of conduct for nursing facility administrators or
42 administrators of residential facilities for groups.

43 2. The Board shall give a licensee against whom proceedings
44 are brought pursuant to this section written notice of a hearing not
45 less than 10 days before the date of the hearing.



1 3. ~~If discipline is imposed pursuant to this section, the costs of~~
 2 ~~the proceeding, including investigative costs and attorney's fees,~~
 3 ~~may be recovered by the Board.] An order that imposes discipline~~
 4 ~~and the findings of fact and conclusions of law supporting that~~
 5 ~~order are public records.~~

6 **Sec. 151.** Chapter 656 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 *3. An order that imposes discipline and the findings of fact*
 18 *and conclusions of law supporting that order are public records.*

19 **Sec. 152.** NRS 7.085 is hereby amended to read as follows:

20 7.085 *1.* If a court finds that an attorney has:

21 ~~1.]~~ *(a)* Filed, maintained or defended a civil action or
 22 proceeding in any court in this state and such action or defense is
 23 not well-grounded in fact or is not warranted by existing law or by
 24 an argument for changing the existing law that is made in good
 25 faith; or

26 ~~2.]~~ *(b)* Unreasonably and vexatiously extended a civil action or
 27 proceeding before any court in this state,
 28 the court shall require the attorney personally to pay the additional
 29 costs, expenses and attorney's fees reasonably incurred because of
 30 such conduct.

31 *2. The court shall liberally construe the provisions of this*
 32 *section in favor of awarding costs, expenses and attorney's fees in*
 33 *all appropriate situations. It is the intent of the Legislature that the*
 34 *court award costs, expenses and attorney's fees pursuant to this*
 35 *section and impose sanctions pursuant to Rule 11 of the Nevada*
 36 *Rules of Civil Procedure in all appropriate situations to punish for*
 37 *and deter frivolous or vexatious claims and defenses because such*
 38 *claims and defenses overburden limited judicial resources, hinder*
 39 *the timely resolution of meritorious claims and increase the costs*
 40 *of engaging in business and providing professional services to the*
 41 *public.*

42 **Sec. 153.** NRS 18.010 is hereby amended to read as follows:

43 18.010 *1.* The compensation of an attorney and counselor for
 44 his services is governed by agreement, express or implied, which is
 45 not restrained by law.



1 2. In addition to the cases where an allowance is authorized by
2 specific statute, the court may make an allowance of attorney's fees
3 to a prevailing party:

- 4 (a) When he has not recovered more than \$20,000; or
5 (b) Without regard to the recovery sought, when the court finds
6 that the claim, counterclaim, cross-claim or third-party complaint or
7 defense of the opposing party was brought *or maintained* without
8 reasonable ground or to harass the prevailing party. *The court shall*
9 *liberally construe the provisions of this paragraph in favor of*
10 *awarding attorney's fees in all appropriate situations. It is the*
11 *intent of the Legislature that the court award attorney's fees*
12 *pursuant to this paragraph and impose sanctions pursuant to Rule*
13 *11 of the Nevada Rules of Civil Procedure in all appropriate*
14 *situations to punish for and deter frivolous or vexatious claims*
15 *and defenses because such claims and defenses overburden*
16 *meritorious claims and increase the costs of engaging in business*
17 *and providing professional services to the public.*

18 3. In awarding attorney's fees, the court may pronounce its
19 decision on the fees at the conclusion of the trial or special
20 proceeding without written motion and with or without presentation
21 of additional evidence.
22

23 4. Subsections 2 and 3 do not apply to any action arising out of
24 a written instrument or agreement which entitles the prevailing party
25 to an award of reasonable attorney's fees.

26 **Sec. 154.** NRS 41A.081 is hereby amended to read as follows:

27 41A.081 1. In an action for medical malpractice or dental
28 malpractice, all the parties to the action, the insurers of the
29 respective parties and the attorneys of the respective parties shall
30 attend and participate in a settlement conference before a district
31 judge, other than the judge assigned to the action, to ascertain
32 whether the action may be settled by the parties before trial.

33 2. The judge before whom the settlement conference is held:

34 (a) May, for good cause shown, waive the attendance of any
35 party.

36 (b) Shall decide what information the parties may submit at the
37 settlement conference.

38 3. The judge shall notify the parties of the time and place of the
39 settlement conference.

40 4. The failure of any party, his insurer or his attorney to
41 participate in good faith in the settlement conference is grounds for
42 sanctions , *including, without limitation, monetary sanctions,*
43 *against the party or his attorney, or both. The judges of the district*
44 *courts shall liberally construe the provisions of this subsection in*
45 *favor of imposing sanctions in all appropriate situations. It is the*



1 *intent of the Legislature that the judges of the district courts*
2 *impose sanctions pursuant to this subsection in all appropriate*
3 *situations to punish for and deter conduct which is not undertaken*
4 *in good faith because such conduct overburdens limited judicial*
5 *resources, hinders the timely resolution of meritorious claims and*
6 *increases the costs of engaging in business and providing*
7 *professional services to the public.*

8 **Secs. 155 and 156.** (Deleted by amendment.)

9 **Sec. 157.** Chapter 690B of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 158 to 175, inclusive, of
11 this act.

12 **Sec. 158.** *As used in sections 158 to 165, inclusive, of this*
13 *act, unless the context otherwise requires, the words and terms*
14 *defined in sections 159 to 162, inclusive, of this act have the*
15 *meanings ascribed to them in those sections.*

16 **Sec. 159.** *“Claims-made policy” means a policy of*
17 *professional liability insurance that provides coverage only for*
18 *claims that arise from incidents or events which occur while the*
19 *policy is in force and which are reported to the insurer while the*
20 *policy is in force.*

21 **Sec. 160.** *“Extended reporting endorsement” means an*
22 *endorsement to a claims-made policy which requires the payment*
23 *of a separate premium and which provides coverage for claims*
24 *that arise from incidents or events which occur while the claims-*
25 *made policy is in force but which are reported to the insurer after*
26 *the claims-made policy is terminated.*

27 **Sec. 161.** *“Practitioner” means a practitioner who provides*
28 *health care.*

29 **Sec. 162.** *“Professional liability insurance” means a policy*
30 *of insurance covering the liability of a practitioner for a breach of*
31 *his professional duty toward a patient.*

32 **Sec. 163.** 1. *If an insurer offers to issue a claims-made*
33 *policy to a practitioner licensed pursuant to chapters 630 to 640,*
34 *inclusive, of NRS, the insurer shall:*

35 (a) *Offer to issue to the practitioner an extended reporting*
36 *endorsement without a time limitation for reporting a claim.*

37 (b) *Disclose to the practitioner the premium for the extended*
38 *reporting endorsement and the cost formula that the insurer uses*
39 *to determine the premium for the extended reporting endorsement.*

40 (c) *Disclose to the practitioner the portion of the premium*
41 *attributable to funding the extended reporting endorsement*
42 *offered at no additional cost to the practitioner in the event of the*
43 *practitioner’s death, disability or retirement, if such a benefit is*
44 *offered.*



1 (d) *Disclose to the practitioner the vesting requirements for the*
2 *extended reporting endorsement offered at no additional cost to*
3 *the practitioner in the event of the practitioner's death or*
4 *retirement, if such a benefit is offered. If such a benefit is not*
5 *offered, the absence of such a benefit must be disclosed.*

6 (e) *Include, as part of the insurance contract, language which*
7 *must be approved by the Commissioner and which must be*
8 *substantially similar to the following:*

9
10 *If we adopt any revision that would broaden the*
11 *coverage under this policy without any additional*
12 *premium either within the policy period or within 60*
13 *days before the policy period, the broadened coverage*
14 *will immediately apply to this policy.*

15
16 2. *The disclosures required by subsection 1 must be made as*
17 *part of the offer and acceptance at the inception of the policy and*
18 *again at each renewal in the form of an endorsement attached to*
19 *the insurance contract and approved by the Commissioner.*

20 3. *The requirements set forth in this section are in addition to*
21 *the requirements set forth in section 12 of Senate Bill No. 122 of*
22 *this session.*

23 **Sec. 164.** 1. *In each rating plan of an insurer that issues a*
24 *policy of professional liability insurance to a practitioner licensed*
25 *pursuant to chapter 630 or 633 of NRS, the insurer shall provide*
26 *for a reduction in the premium for the policy if the practitioner*
27 *implements a qualified risk management system. The amount of*
28 *the reduction in the premium must be determined by the*
29 *Commissioner in accordance with the applicable standards for*
30 *rates established in NRS 686B.010 to 686B.1799, inclusive.*

31 2. *A qualified risk management system must comply with all*
32 *requirements established by the Commissioner.*

33 3. *The Commissioner shall adopt regulations to:*

34 (a) *Establish the requirements for a qualified risk*
35 *management system; and*

36 (b) *Carry out the provisions of this section.*

37 4. *The provisions of this section apply to all rating plans*
38 *which an insurer that issues a policy of professional liability*
39 *insurance to a practitioner licensed pursuant to chapter 630 or*
40 *633 of NRS files with the Commissioner on and after the effective*
41 *date of the regulations adopted by the Commissioner pursuant to*
42 *this section.*

43 **Sec. 165.** 1. *On an annual basis, the Commissioner shall,*
44 *pursuant to subsection 1 of NRS 680A.290, request each insurer*
45 *that issues a policy of professional liability insurance to a*



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1 *practitioner licensed pursuant to chapter 630 or 633 of NRS to*
2 *submit to the Commissioner an annual report on its loss*
3 *prevention and control programs.*

4 *2. Not later than 90 days after the Commissioner receives the*
5 *annual reports from those insurers, the Commissioner shall*
6 *submit his report on the loss prevention and control programs of*
7 *those insurers, along with any recommendations, to the Director*
8 *of the Legislative Counsel Bureau for transmittal to members of*
9 *the Legislature.*

10 **Secs. 166-175.** (Deleted by amendment.)

11 **Sec. 176.** NRS 690B.045 is hereby amended to read as
12 follows:

13 690B.045 Except as more is required in NRS 630.3067 and
14 633.526:

15 1. Each insurer which issues a policy of insurance covering the
16 liability of a practitioner licensed pursuant to chapters 630 to 640,
17 inclusive, of NRS for a breach of his professional duty toward a
18 patient shall report to the board which licensed the practitioner
19 within ~~30~~ 45 days each settlement or award made or judgment
20 rendered by reason of a claim, if the settlement, award or judgment
21 is for more than \$5,000, giving the name and address of the claimant
22 and the practitioner and the circumstances of the case.

23 2. A practitioner licensed pursuant to chapters 630 to 640,
24 inclusive, of NRS who does not have insurance covering liability for
25 a breach of his professional duty toward a patient shall report to the
26 board which issued his license within ~~30~~ 45 days of each
27 settlement or award made or judgment rendered by reason of a
28 claim, if the settlement, award or judgment is for more than \$5,000,
29 giving his name and address, the name and address of the claimant
30 and the circumstances of the case.

31 3. These reports are public records and must be made available
32 for public inspection within a reasonable time after they are received
33 by the licensing board.

34 **Sec. 177.** NRS 690B.050 is hereby amended to read as
35 follows:

36 690B.050 1. Each insurer which issues a policy of insurance
37 covering the liability of a physician licensed under chapter 630 of
38 NRS or an osteopathic physician licensed under chapter 633 of NRS
39 for a breach of his professional duty toward a patient shall report to
40 the Commissioner within ~~30~~ 45 days each settlement or award
41 made or judgment rendered by reason of a claim, giving the name
42 and address of the claimant and physician and the circumstances of
43 the case.

44 2. The Commissioner shall report to the Board of Medical
45 Examiners or the state board of osteopathic medicine, as applicable,



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1 within 30 days after receiving the report of the insurer, each claim
2 made and each settlement, award or judgment.

3 **Secs. 178 and 179.** (Deleted by amendment.)

4 **Sec. 180.** Section 1 of Senate Bill No. 133 of this session is
5 hereby amended to read as follows:

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

8 1. Except as otherwise provided in NRS 630.161, the
9 Board may issue a restricted license to a person who intends
10 to practice medicine in this state as a psychiatrist in a mental
11 health center of the Division under the direct supervision of a
12 psychiatrist who holds an unrestricted license to practice
13 medicine pursuant to this chapter.

14 2. A person who applies for a restricted license pursuant
15 to this section is not required to take or pass a written
16 examination as to his qualifications to practice medicine
17 pursuant to paragraph (e) of subsection 2 of NRS 630.160,
18 but the person must meet all other conditions and
19 requirements for an unrestricted license to practice medicine
20 pursuant to this chapter.

21 3. If the Board issues a restricted license pursuant to this
22 section, the person who holds the restricted license may
23 practice medicine in this state only as a psychiatrist in a
24 mental health center of the Division and only under the direct
25 supervision of a psychiatrist who holds an unrestricted license
26 to practice medicine pursuant to this chapter.

27 4. If a person who holds a restricted license issued
28 pursuant to this section ceases to practice medicine in this
29 state as a psychiatrist in a mental health center of the
30 Division:

31 (a) The Division shall notify the Board; and

32 (b) Upon receipt of such notification, the restricted
33 license expires automatically.

34 5. The Board may renew or modify a restricted license
35 issued pursuant to this section, unless the restricted license
36 has expired automatically or has been revoked.

37 ~~6. Each person who holds a restricted license issued~~
38 ~~pursuant to this section and who accepts the privilege of~~
39 ~~practicing medicine in this state pursuant to the provisions of~~
40 ~~the restricted license shall be deemed to have given his~~
41 ~~consent to the revocation of the restricted license at any time~~
42 ~~by the Board for any of the grounds provided in NRS 630.161~~
43 ~~or 630.301 to 630.3065, inclusive, or for any violation of the~~
44 ~~provisions of this section.~~



1 ~~7.1~~ The provisions of this section do not limit the
2 authority of the Board to issue a restricted license to an
3 applicant in accordance with any other provision of this
4 chapter.

5 ~~8.1~~ 7. As used in this section:

6 (a) "Division" means the Division of Mental Health and
7 Developmental Services of the Department of Human
8 Resources.

9 (b) "Mental health center" has the meaning ascribed to it
10 in NRS 433.144.

11 **Sec. 181.** Section 9 of Senate Bill No. 139 of this session is
12 hereby amended to read as follows:

13 Sec. 9. NRS 645.630 is hereby amended to read as
14 follows:

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

25 (a) Making any material misrepresentation.

26 (b) Making any false promises of a character likely to
27 influence, persuade or induce.

28 (c) Accepting a commission or valuable consideration as
29 a real estate broker-salesman or salesman for the performance
30 of any of the acts specified in this chapter or chapter 119 or
31 119A of NRS from any person except the licensed real estate
32 broker with whom he is associated or the owner-developer by
33 whom he is employed.

34 (d) Representing or attempting to represent a real estate
35 broker other than the broker with whom he is associated,
36 without the express knowledge and consent of the broker with
37 whom he is associated.

38 (e) Failing to maintain, for review and audit by the
39 Division, each brokerage agreement *and property*
40 *management agreement* governed by the provisions of this
41 chapter and entered into by the licensee.

42 (f) Failing, within a reasonable time, to account for or to
43 remit any money which comes into his possession and which
44 belongs to others.

45 (g) If he is required to maintain a trust account:



1 (1) Failing to balance the trust account at least
2 monthly; and

3 (2) Failing to submit to the Division an annual
4 accounting of the trust account as required in NRS 645.310.

5 (h) Commingling the money or other property of his
6 clients with his own or converting the money of others to his
7 own use.

8 (i) In the case of a broker-salesman or salesman, failing to
9 place in the custody of his licensed broker or owner-
10 developer, as soon as possible, any deposit or other money or
11 consideration entrusted to him by any person dealing with
12 him as the representative of his licensed broker.

13 (j) Accepting other than cash as earnest money unless that
14 fact is communicated to the owner before his acceptance of
15 the offer to purchase and that fact is shown in the receipt for
16 the earnest money.

17 (k) Upon acceptance of an agreement, in the case of a
18 broker, failing to deposit any check or cash received as
19 earnest money before the end of the next banking day unless
20 otherwise provided in the purchase agreement.

21 (l) Inducing any party to a brokerage agreement, *property*
22 *management agreement, agreement of* sale or lease to break
23 it in order to substitute a new brokerage agreement, *property*
24 *management agreement,* agreement of sale or lease with the
25 same or another party if the inducement to make the
26 substitution is offered to secure personal gain to the licensee
27 or owner-developer.

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

31 **Sec. 182.** Section 7 of Senate Bill No. 332 of this session is
32 hereby amended to read as follows:

33 Sec. 7. 1. The Board shall maintain a website on the
34 Internet or its successor.

35 2. *Except as otherwise provided in this section, the*
36 *Board and its members and employees shall not place any*
37 *information on the website maintained by the Board unless*
38 *the Board, at a regular meeting, approves the placement of*
39 *the information on the website.*

40 3. The Board shall place on the website ~~{:}~~, *without*
41 *having to approve the placement at a meeting:*

42 (a) Each application form for the issuance or renewal of a
43 license issued by the Board pursuant to this chapter. ~~{:and}~~



1 (b) A list of questions that are frequently asked
2 concerning the processes of the Board and the answers to
3 those questions.

4 (c) *An alphabetical list, by last name, of each physician*
5 *and a brief description of each disciplinary action, if any,*
6 *taken against the physician, in this state and elsewhere,*
7 *which relates to the practice of medicine and which is noted*
8 *in the records of the Board. The Board shall include, as part*
9 *of the list on the website, the name of each physician whose*
10 *license has been revoked by the Board. The Board shall*
11 *make the list on the website easily accessible and user*
12 *friendly for the public.*

13 (d) *All financial reports received by the Board.*

14 (e) *All financial reports prepared by the Board.*

15 (f) *Any other information required to be placed on the*
16 *website by any other provision of law.*

17 **Sec. 183.** 1. NRS 622.010, 623A.295, 630.142, 634.165,
18 638.154, 639.091 and 656.295 are hereby repealed.

19 2. Section 4 of Senate Bill No. 281 of this session is hereby
20 repealed.

21 **Sec. 184.** 1. This section becomes effective on passage and
22 approval.

23 2. Sections 1 to 182, inclusive, of this act become effective
24 upon passage and approval for the purpose of adopting regulations
25 and on July 1, 2003, for all other purposes.

26 3. Section 183 of this act becomes effective on July 1, 2003.

27 4. Sections 79.7 and 99 of this act expire by limitation on the
28 date on which the provisions of 42 U.S.C., § 666 requiring each
29 state to establish procedures under which the state has authority to
30 withhold or suspend, or to restrict the use of professional,
31 occupational and recreational licenses of persons who:

32 (a) Have failed to comply with a subpoena or warrant relating to
33 a procedure to determine the paternity of a child or to establish or
34 enforce an obligation for the support of a child; or

35 (b) Are in arrears in the payment for the support of one or more
36 children,

37 are repealed by the Congress of the United States.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF ENROLLED BILL**

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 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.

