

SENATE BILL NO. 310—SENATOR CARLTON

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to certain occupational boards and commissions. (BDR 54-223)

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 agencies; clarifying that certain occupational boards and commissions must act in the public interest; revising the qualifications for the members of certain occupational boards and commissions; providing that the members of certain occupational boards and commissions must be provided with certain materials and training upon appointment; revising the authority of certain occupational boards and commissions to hire employees or contract with independent contractors; revising the qualifications for the executive director or executive secretary of certain occupational boards and commissions; revising the audit requirements for certain occupational boards and commissions; increasing the membership of the State Board of Osteopathic Medicine; 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 13, 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 to 7, inclusive,*
6 *of this act have the meanings ascribed to them in those sections.*



* S B 3 1 0 R 1 *

- 1 **Sec. 3. “Immediate relative” means:**
- 2 1. *A spouse.*
- 3 2. *A parent, by blood, marriage or adoption.*
- 4 3. *A child, by blood, marriage or adoption.*
- 5 **Sec. 4. “License” means any license, certificate, registration,**
- 6 *permit or similar type of authorization issued by a regulatory body.*
- 7 **Sec. 5. “Licensee” means a person who holds any license,**
- 8 *certificate, registration, permit or similar type of authorization*
- 9 *issued by a regulatory body.*
- 10 **Sec. 6. “Member of a regulatory body” means a person who**
- 11 *is serving as a member or officer of a regulatory body.*
- 12 **Sec. 7. “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. 8. 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. 9. As soon as practicable after a person is first**
- 22 *appointed to serve as a member of a regulatory body, the person*
- 23 *must be provided with:*
- 24 1. *A written summary of the duties and responsibilities of a*
- 25 *member of the regulatory body; and*
- 26 2. *Training on those duties and responsibilities by the*
- 27 *Attorney General. The training must include, without limitation,*
- 28 *instruction related to the audit that is required by NRS 218.825,*
- 29 *except that a person who is a member of the Nevada State Board*
- 30 *of Accountancy is not required to be provided with instruction*
- 31 *related to that audit.*
- 32 **Sec. 10. Except as otherwise provided in section 11 of this**
- 33 *act, a regulatory body may not employ a person whose immediate*
- 34 *relative is a licensee of the regulatory body, unless the regulatory*
- 35 *body implements policies and procedures to prevent the person*
- 36 *who is employed by the regulatory body from participating in any*
- 37 *activities that are directly related to the licensee.*
- 38 **Sec. 11. If a regulatory body employs a person as an**
- 39 *executive director or executive secretary or in a position with*
- 40 *powers and duties similar to those of an executive director or*
- 41 *executive secretary, the person:*
- 42 1. *Must possess a level of education or experience, or a*
- 43 *combination of both, to qualify the person to perform the*
- 44 *administrative and managerial tasks required of the position; and*
- 45 2. *Must not be the immediate relative of:*



- 1 (a) *A member or employee of the regulatory body; or*
- 2 (b) *A licensee of the regulatory body.*

3 **Sec. 12.** *A regulatory body may not contract with a person to*
4 *provide services to the regulatory body as an independent*
5 *contractor if the person is the immediate relative of:*

- 6 1. *A member or employee of the regulatory body; or*
- 7 2. *A licensee of the regulatory body, unless the regulatory*
8 *body implements policies and procedures to prevent the person*
9 *who is the independent contractor from participating in any*
10 *activities that are directly related to the licensee.*

11 **Sec. 13.** *If a licensee of a regulatory body appears before the*
12 *regulatory body concerning any matter that is within the*
13 *jurisdiction of the regulatory body, the licensee must disclose, to*
14 *the best of his knowledge, whether an immediate relative of the*
15 *licensee:*

- 16 1. *Is employed by the regulatory body; or*
- 17 2. *Has any financial, business, professional or personal*
18 *relationship with a member or employee of the regulatory body.*

19 **Sec. 14.** 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. 15.** 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. 16.** NRS 623.050 is hereby amended to read as follows:

25 623.050 1. The State Board of Architecture, Interior Design
26 and Residential Design, consisting of nine members appointed by
27 the Governor, is hereby created.

28 2. The Governor shall appoint:

29 (a) Five members who are registered architects and have been in
30 the active practice of architecture in the State of Nevada for not less
31 than 3 years preceding their appointment.

32 (b) One member who is a registered residential designer.

33 (c) Two members who are registered interior designers and who
34 are not registered architects or residential designers.

35 (d) One member who is a representative of the general public.

36 *This member must not be:*

37 *(1) A registered architect, a registered interior designer or a*
38 *registered residential designer; or*

39 *(2) The spouse or the parent or child, by blood, marriage or*
40 *adoption, of a registered architect, a registered interior designer or*
41 *a registered residential designer.*

42 3. Members of the Board must have been residents of this state
43 for not less than 2 years preceding their appointment.

44 4. The Governor may, upon a bona fide complaint, and for
45 good cause shown, after 10 days' notice to any member against



1 whom charges may be filed, and after opportunity for hearing,
2 remove the member for inefficiency, neglect of duty or malfeasance
3 in office.

4 **Sec. 17.** NRS 623A.080 is hereby amended to read as follows:

5 623A.080 1. The State Board of Landscape Architecture,
6 consisting of five members appointed by the Governor, is hereby
7 created.

8 2. The Governor shall appoint:

9 (a) Four members who, at the time of their appointment, are not
10 the subject of any disciplinary action by the Board and who, for not
11 less than 3 years immediately preceding their appointment, have
12 been:

13 (1) Engaged in the practice of landscape architecture; and

14 (2) Holders of certificates of registration; and

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

16 *This member must not be:*

17 (1) *A landscape architect or a landscape architect intern; or*

18 (2) *The spouse or the parent or child, by blood, marriage or*
19 *adoption, of a landscape architect or a landscape architect intern.*

20 3. Each member must have been a resident of this state for not
21 less than 3 years immediately preceding his appointment.

22 4. A member of the Board shall not serve for more than three
23 terms.

24 5. Each member of the Board shall, within 30 days after he is
25 appointed, take and subscribe to the oath of office as prescribed by
26 the laws of this state and file the oath with the Secretary of State.

27 6. The member who is a representative of the general public
28 shall not participate in preparing or grading any examination
29 required by the Board.

30 7. Upon receipt of a complaint concerning a member of the
31 Board and for good cause shown, the Governor may, after providing
32 10 days' notice to the member and providing an opportunity for a
33 hearing, remove the member for inefficiency, neglect of duty or
34 malfeasance in office.

35 8. An appointment to fill a vacancy in the membership of the
36 Board for a cause other than expiration of the term must be for the
37 unexpired portion of the term.

38 9. A member, agent or employee of the Board or any hearing
39 officer or member of a hearing panel appointed by the Board is
40 immune from personal liability relating to any action taken in good
41 faith and within the scope of his authority.

42 **Sec. 18.** NRS 624.050 is hereby amended to read as follows:

43 624.050 1. Six members of the Board must each:

44 (a) At the time of appointment, hold an unexpired license to
45 operate as a contractor.



1 (b) Be a contractor actively engaged in the contracting business
2 and must have been so engaged for not less than 5 years preceding
3 the date of his appointment.

4 (c) Have been a citizen and resident of the State of Nevada for at
5 least 5 years next preceding his appointment.

6 2. One member of the Board must be a representative of the
7 general public. *This member must not be:*

8 (a) *A licensed contractor; or*

9 (b) *The spouse or the parent or child, by blood, marriage or
10 adoption, of a licensed contractor.*

11 **Sec. 19.** NRS 625A.030 is hereby amended to read as follows:

12 625A.030 1. There is hereby created the Board of Registered
13 Environmental Health Specialists, consisting of the State Health
14 Officer or his designated representative and four members appointed
15 by the Governor.

16 2. After the initial terms, each member appointed by the
17 Governor must be appointed for a term of 3 years.

18 3. Of the members of the Board appointed by the Governor
19 after his initial appointments ~~{,two}~~:

20 (a) *Two* must represent the general public . ~~{and two}~~ *These*
21 *members must not be:*

22 (1) *An environmental health specialist; or*

23 (2) *The spouse or the parent or child, by blood, marriage or
24 adoption, of an environmental health specialist.*

25 (b) *Two* must be environmental health specialists, one employed
26 by the health district containing Washoe County and one employed
27 by the health district containing Clark County.

28 4. The Governor may, after notice and hearing, remove any
29 member of the Board for misconduct in office, incompetency,
30 neglect of duty or other sufficient cause.

31 5. The Board shall elect from its members who are not
32 employees of the State a Chairman and a Secretary. The Chairman
33 must be elected annually on July 1. The Secretary continues in
34 office at the pleasure of the Board.

35 **Sec. 20.** NRS 628.045 is hereby amended to read as follows:

36 628.045 1. Except as otherwise provided in subsection 2, the
37 Governor shall appoint to the Board six members who are certified
38 public accountants in the State of Nevada and one member who is a
39 registered public accountant in the State of Nevada. Of the six
40 members who are certified public accountants:

41 (a) One member must be employed by the government or by
42 private industry; and

43 (b) Five members must be engaged in the practice of public
44 accounting.



1 2. Whenever the total number of registered public accountants
2 who practice is 10 or fewer, the Board must consist of six members
3 who are certified public accountants and the member who is a
4 registered public accountant until his term of office expires.
5 Thereafter, the Board must consist of ~~{six}~~ :

6 (a) *Six* members who are certified public accountants, one of
7 whom must be employed by the government or by private industry .

8 ~~{, and one}~~

9 (b) *One* member who represents the public. *This member must
10 not be:*

11 (1) *A certified public accountant, a public accountant or a
12 registered public accountant; or*

13 (2) *The spouse or the parent or child, by blood, marriage or
14 adoption, of a certified public accountant, a public accountant or
15 a registered public accountant.*

16 3. No person may be appointed to the Board unless he is:

17 (a) Engaged in active practice as a certified public accountant or
18 registered public accountant and holds a live permit to practice
19 public accounting in this state, or is appointed as the member who
20 represents the public.

21 (b) A resident of the State of Nevada.

22 **Sec. 21.** NRS 630.060 is hereby amended to read as follows:

23 630.060 1. Six members of the Board must be persons who
24 are licensed to practice medicine in this state, are actually engaged
25 in the practice of medicine in this state and have resided and
26 practiced medicine in this state for at least 5 years preceding their
27 respective appointments.

28 2. *One member of the Board must be a person who has
29 resided in this state for at least 5 years and who represents the
30 interests of persons or agencies that regularly provide health care
31 to patients who are indigent, uninsured or unable to afford health
32 care. This member must not be licensed under the provisions of
33 this chapter.*

34 3. The remaining *two* members *of the Board* must be persons
35 who have resided in this state for at least 5 years and who:

36 (a) Are not licensed in any state to practice any healing art;

37 (b) *Are not the spouse or the parent or child, by blood,
38 marriage or adoption, of a person licensed in any state to practice
39 any healing art;*

40 (c) Are not actively engaged in the administration of any facility
41 for the dependent as defined in chapter 449 of NRS, medical facility
42 or medical school; and

43 ~~{(e)}~~ (d) Do not have a pecuniary interest in any matter
44 pertaining to the healing arts, except as a patient or potential patient.



1 ~~[3.]~~ 4. The members of the Board must be selected without
2 regard to their individual political beliefs.

3 ~~[4.—The Board shall conduct training programs to assist new~~
4 ~~members of the Board in the performance of their duties.]~~

5 **Sec. 22.** NRS 630A.110 is hereby amended to read as follows:

6 630A.110 1. ~~[Four]~~ **Three** members of the Board must be
7 persons who are licensed to practice allopathic or osteopathic
8 medicine in any state or country, the District of Columbia or a
9 territory or possession of the United States, have been engaged in
10 the practice of homeopathic medicine in this state for a period of
11 more than 2 years preceding their respective appointments, are
12 actually engaged in the practice of homeopathic medicine in this
13 state and are residents of the State.

14 2. *One member of the Board must be a person who has*
15 *resided in this state for at least 5 years and who represents the*
16 *interests of persons or agencies that regularly provide health care*
17 *to patients who are indigent, uninsured or unable to afford health*
18 *care. This member may be licensed under the provisions of this*
19 *chapter.*

20 3. The remaining *three* members *of the Board* must be persons
21 who:

22 (a) Are not licensed in any state to practice any healing art;

23 (b) *Are not the spouse or the parent or child, by blood,*
24 *marriage or adoption, of a person licensed in any state to practice*
25 *any healing art;*

26 (c) Are not actively engaged in the administration of any
27 medical facility or facility for the dependent as defined in chapter
28 449 of NRS;

29 ~~[(e)]~~ (d) Do not have a pecuniary interest in any matter
30 pertaining to such a facility, except as a patient or potential patient;
31 and

32 ~~[(e)]~~ (e) Have resided in this state for at least 5 years.

33 ~~[3.]~~ 4. The members of the Board must be selected without
34 regard to their individual political beliefs.

35 ~~[4.]~~ 5. As used in this section, “healing art” means any system,
36 treatment, operation, diagnosis, prescription or practice for the
37 ascertainment, cure, relief, palliation, adjustment or correction of
38 any human disease, ailment, deformity, injury, or unhealthy or
39 abnormal physical or mental condition for the practice of which
40 long periods of specialized education and training and a degree of
41 specialized knowledge of an intellectual as well as physical nature
42 are required.

43 **Sec. 23.** NRS 631.130 is hereby amended to read as follows:

44 631.130 1. The Governor shall appoint:



* S B 3 1 0 R 1 *

1 (a) ~~Seven~~ Six members who are graduates of accredited dental
2 schools or colleges, are residents of Nevada and have ethically
3 engaged in the practice of dentistry in Nevada for a period of 5
4 years.

5 (b) *One member who has resided in Nevada for at least 5 years
6 and who represents the interests of persons or agencies that
7 regularly provide health care to patients who are indigent,
8 uninsured or unable to afford health care. This member may be
9 licensed under the provisions of this chapter.*

10 (c) Two members who:

11 (1) Are graduates of accredited schools or colleges of dental
12 hygiene;

13 (2) Are residents of Nevada; and

14 (3) Have been actively engaged in the practice of dental
15 hygiene in Nevada for a period of at least 5 years before their
16 appointment to the Board.

17 ~~(e)~~ (d) One member who is a representative of the general
18 public. *This member must not be:*

19 (1) *A dentist or a dental hygienist; or*

20 (2) *The spouse or the parent or child, by blood, marriage or
21 adoption, of a dentist or a dental hygienist.*

22 2. The members who are dental hygienists may vote on all
23 matters but may not participate in examinations for the licensing of
24 dentists.

25 3. ~~The member who is a representative of the general public
26 must~~ *If a member is not licensed under the provisions of this
27 chapter, the member shall* not participate in grading any
28 examination required by the Board.

29 **Sec. 24.** NRS 631.140 is hereby amended to read as follows:

30 631.140 1. The ~~seven~~ six members of the Board who are
31 dentists, *the member of the Board who represents the interests of
32 persons or agencies that regularly provide health care to patients
33 who are indigent, uninsured or unable to afford health care,* and
34 the member *of the Board* who is a representative of the general
35 public must be appointed from areas of the State as follows:

36 (a) Three of those members must be from Carson City, Douglas
37 County or Washoe County.

38 (b) Four of those members must be from Clark County.

39 (c) One of those members may be from any county of the State.

40 2. One of the two members of the Board who are dental
41 hygienists must be appointed from Clark County, ~~and~~ the other must
42 be appointed from some other county of the State.

43 **Sec. 25.** NRS 632.030 is hereby amended to read as follows:

44 632.030 1. The Governor shall appoint:



- 1 (a) ~~Four~~ **Three** registered nurses who are graduates of an
2 accredited school of nursing, are licensed as professional nurses in
3 the State of Nevada and have been actively engaged in nursing for at
4 least 5 years preceding the appointment.
- 5 (b) One practical nurse who is a graduate of an accredited school
6 of practical nursing, is licensed as a practical nurse in this state and
7 has been actively engaged in nursing for at least 5 years preceding
8 the appointment.
- 9 (c) One nursing assistant who is certified pursuant to the
10 provisions of this chapter.
- 11 (d) ***One member who represents the interests of persons or***
12 ***agencies that regularly provide health care to patients who are***
13 ***indigent, uninsured or unable to afford health care. This member***
14 ***may be licensed under the provisions of this chapter.***
- 15 (e) One member who is a representative of the general public.
16 ***This member must not be:***
- 17 (1) ***A licensed practical nurse, a registered nurse, a nursing***
18 ***assistant or an advanced practitioner of nursing; or***
- 19 (2) ***The spouse or the parent or child, by blood, marriage or***
20 ***adoption, of a licensed practical nurse, a registered nurse, a***
21 ***nursing assistant or an advanced practitioner of nursing.***
- 22 2. Each member of the Board must be:
- 23 (a) A citizen of the United States; and
- 24 (b) A resident of the State of Nevada who has resided in this
25 state for not less than 2 years.
- 26 3. A representative of the general public may not:
- 27 (a) Have a fiduciary obligation to a hospital or other health
28 agency;
- 29 (b) Have a material financial interest in the rendering of health
30 services; or
- 31 (c) Be employed in the administration of health activities or the
32 performance of health services.
- 33 4. The members appointed to the Board pursuant to paragraphs
34 (a) and (b) of subsection 1 must be selected to provide the broadest
35 representation of the various activities, responsibilities and types of
36 service within the practice of nursing and related areas, which may
37 include, without limitation, experience:
- 38 (a) In administration.
- 39 (b) In education.
- 40 (c) As an advanced practitioner of nursing.
- 41 (d) In an agency or clinic whose primary purpose is to provide
42 medical assistance to persons of low and moderate incomes.
- 43 (e) In a licensed medical facility.
- 44 5. Each member of the Board shall serve a term of 4 years. If a
45 vacancy occurs during a member's term, the Governor shall appoint



1 a person qualified under this section to replace that member for the
2 remainder of the unexpired term.

3 6. No member of the Board may serve more than two
4 consecutive terms. For the purposes of this subsection, service of 2
5 or more years in filling an unexpired term constitutes a term.

6 **Sec. 26.** NRS 633.181 is hereby amended to read as follows:

7 633.181 The State Board of Osteopathic Medicine consists of
8 ~~five~~ *seven* members appointed by the Governor.

9 **Sec. 27.** NRS 633.191 is hereby amended to read as follows:

10 633.191 1. ~~Four~~ *Five* members of the Board must:

11 (a) Be licensed under this chapter;

12 (b) Be actually engaged in the practice of osteopathic medicine
13 in this state; and

14 (c) Have been so engaged in this state for a period of more than
15 5 years preceding their appointment.

16 2. *One member of the Board must be a resident of the State of
17 Nevada and must represent the interests of persons or agencies
18 that regularly provide health care to patients who are indigent,
19 uninsured or unable to afford health care. This member must not
20 be licensed under the provisions of this chapter.*

21 3. The remaining member *of the Board* must be a resident of
22 the State of Nevada ~~and~~ *who is:*

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

24 (b) *Not the spouse or the parent or child, by blood, marriage or
25 adoption, of a person licensed in any state to practice any healing
26 art; and*

27 (c) Not actively engaged in the administration of any medical
28 facility or facility for the dependent as defined in chapter 449 of
29 NRS.

30 **Sec. 28.** NRS 633.331 is hereby amended to read as follows:

31 633.331 1. Examinations must be held at least once a year at
32 the time and place fixed by the Board. The Board shall notify each
33 applicant in writing of the examinations.

34 2. The examination must be fair and impartial, practical in
35 character, and the questions must be designed to discover the
36 applicant's fitness.

37 3. The Board may employ specialists and other professional
38 consultants or examining services in conducting the examination.

39 4. ~~The~~ *Each* member who is not licensed in any state to
40 practice any healing art shall not participate in preparing,
41 conducting or grading any examination required by the Board.

42 **Sec. 29.** NRS 634.020 is hereby amended to read as follows:

43 634.020 1. The Chiropractic Physicians' Board of Nevada,
44 consisting of six members appointed by the Governor, is hereby
45 created.



- 1 2. The Governor shall appoint:
2 (a) ~~Five~~ **Four** members who are:
3 (1) Graduates of chiropractic schools or colleges giving a
4 course of study embracing the following subjects: Anatomy,
5 bacteriology, chiropractic theory and practice, diagnosis or analysis,
6 elementary chemistry and toxicology, histology, hygiene and
7 sanitation, obstetrics and gynecology, pathology, physiology and
8 symptomatology;
9 (2) Licensed under this chapter; and
10 (3) Actually engaged in the practice of chiropractic in this
11 state and who have been so engaged in this state for at least 3 years
12 preceding their appointment.
13 (b) *One member who represents the interests of persons or*
14 *agencies that regularly provide health care to patients who are*
15 *indigent, uninsured or unable to afford health care. This member*
16 *may be licensed under the provisions of this chapter.*
17 (c) One member who is a representative of the general public.
18 *This member must not be:*
19 (1) *A chiropractor or a chiropractor's assistant; or*
20 (2) *The spouse or the parent or child, by blood, marriage or*
21 *adoption, of a chiropractor or a chiropractor's assistant.*
22 3. At least two of the appointees must have had a course in
23 physiotherapy in a school or college of chiropractic. Not more than
24 two persons who are resident graduates of the same school or
25 college of chiropractic may serve simultaneously as members of the
26 Board.
27 4. ~~The member who is a representative of the general public~~
28 *If a member is not licensed under the provisions of this chapter,*
29 *the member shall not participate in preparing any examination*
30 *required by the Board.*
31 **Sec. 30.** NRS 634A.030 is hereby amended to read as follows:
32 634A.030 1. The State Board of Oriental Medicine,
33 consisting of five members appointed by the Governor, is hereby
34 created.
35 2. The Governor shall appoint to the Board:
36 (a) ~~Three~~ **Two** members who are licensed pursuant to this
37 chapter.
38 (b) *One member who represents the interests of persons or*
39 *agencies that regularly provide health care to patients who are*
40 *indigent, uninsured or unable to afford health care. This member*
41 *may be licensed under the provisions of this chapter.*
42 (c) Two members who are representatives of the general public.
43 *These members must not be:*
44 (1) *A doctor of Oriental medicine; or*



1 (2) *The spouse or the parent or child, by blood, marriage or*
2 *adoption, of a doctor of Oriental medicine.*

3 3. Each member of the Board shall, before entering upon the
4 duties of his office, take the oath of office prescribed by the
5 Constitution before someone qualified to administer oaths.

6 **Sec. 31.** NRS 635.020 is hereby amended to read as follows:

7 635.020 1. The State Board of Podiatry, consisting of five
8 members appointed by the Governor, is hereby created.

9 2. The Governor shall appoint:

10 (a) ~~Four~~ *Three* members who are licensed podiatric physicians
11 in the State of Nevada.

12 (b) *One member who represents the interests of persons or*
13 *agencies that regularly provide health care to patients who are*
14 *indigent, uninsured or unable to afford health care. This member*
15 *may be licensed under the provisions of this chapter.*

16 (c) One member who is a representative of the general public.
17 *This member must not be:*

18 (1) *A licensed podiatric physician in the State of Nevada; or*

19 (2) *The spouse or the parent or child, by blood, marriage or*
20 *adoption, of a licensed podiatric physician in the State of Nevada.*

21 3. The members of the Board are entitled to receive:

22 (a) A salary of not more than \$80 per day, as fixed by the Board,
23 while engaged in the business of the Board; and

24 (b) A per diem allowance and travel expenses at a rate fixed by
25 the Board, while engaged in the business of the Board. The rate
26 must not exceed the rate provided for state officers and employees
27 generally.

28 4. While engaged in the business of the Board, each employee
29 of the Board is entitled to receive a per diem allowance and travel
30 expenses at a rate fixed by the Board. The rate must not exceed the
31 rate provided for state officers and employees generally.

32 5. ~~The member who is a representative of the general public]~~
33 *If a member is not licensed under the provisions of this chapter,*
34 *the member* shall not participate in preparing, conducting or grading
35 any examination required by the Board.

36 **Sec. 32.** NRS 636.035 is hereby amended to read as follows:

37 636.035 1. The Governor shall appoint:

38 (a) Three members who are licensed to practice optometry in the
39 State of Nevada and are actually engaged in the practice of
40 optometry.

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

42 *This member must not be:*

43 (1) *Licensed to practice optometry; or*

44 (2) *The spouse or the parent or child, by blood, marriage or*
45 *adoption, of a person licensed to practice optometry.*



- 1 2. A person shall not be appointed if he:
2 (a) Is the owner or co-owner of, a stockholder in, or a member
3 of the faculty or board of directors or trustees of, any school of
4 optometry;
5 (b) Is financially interested, directly or indirectly, in the
6 manufacture or wholesaling of optical supplies; or
7 (c) Has been convicted of a felony or a gross misdemeanor
8 involving moral turpitude.
9 3. The member who is a representative of the general public
10 shall not participate in preparing, conducting or grading any
11 examination required by the Board.

12 **Sec. 33.** NRS 637.030 is hereby amended to read as follows:

13 637.030 1. The Board of Dispensing Opticians, consisting of
14 five members appointed by the Governor, is hereby created.

15 2. The Governor shall appoint:

16 (a) Four members who have actively engaged in the practice of
17 ophthalmic dispensing for not less than 3 years in the State of
18 Nevada immediately preceding the appointment.

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

20 ***This member must not be:***

21 (1) *A dispensing optician; or*

22 (2) *The spouse or the parent or child, by blood, marriage or*
23 *adoption, of a dispensing optician.*

24 3. The Governor, after hearing, may remove any member for
25 cause.

26 4. The member who is the representative of the general public
27 shall not participate in preparing, conducting or grading any
28 examination required by the Board.

29 **Sec. 34.** NRS 637A.035 is hereby amended to read as follows:

30 637A.035 1. The Governor shall appoint:

31 (a) One member who is a physician with a specialty in
32 otorhinolaryngology or otology.

33 (b) One member who is licensed to engage in the practice of
34 audiology pursuant to chapter 637B of NRS.

35 (c) One member who is a hearing aid specialist.

36 (d) Two members who are representatives of the general public
37 and have hearing disorders. ***These members must not be:***

38 (1) *A hearing aid specialist, a physician with a specialty in*
39 *otorhinolaryngology or otology or a person licensed to engage in*
40 *the practice of audiology pursuant to chapter 637B of NRS; or*

41 (2) *The spouse or the parent or child, by blood, marriage or*
42 *adoption, of a hearing aid specialist, a physician with a specialty*
43 *in otorhinolaryngology or otology or a person licensed to engage*
44 *in the practice of audiology pursuant to chapter 637B of NRS.*



1 2. After their initial terms, the members of the Board shall
2 serve terms of 3 years.

3 3. No member of the Board may be a stockholder of a
4 manufacturer.

5 4. The members of the Board serve at the pleasure of the
6 Governor.

7 **Sec. 35.** NRS 637B.100 is hereby amended to read as follows:

8 637B.100 1. The Board of Examiners for Audiology and
9 Speech Pathology, consisting of five members appointed by the
10 Governor, is hereby created.

11 2. The Governor shall appoint:

12 (a) Two members who have been engaged in the practice of
13 speech pathology for 2 years or more;

14 (b) One member who has been engaged in the practice of
15 audiology for 2 years or more;

16 (c) One member who is a physician and who is certified by the
17 Board of Medical Examiners as a specialist in otolaryngology,
18 pediatrics or neurology; and

19 (d) One member who is a representative of the general public.

20 ***This member must not be:***

21 ***(1) A speech pathologist or an audiologist; or***

22 ***(2) The spouse or the parent or child, by blood, marriage or***
23 ***adoption, of a speech pathologist or an audiologist.***

24 3. Members of the Board who are speech pathologists and
25 audiologists must be representative of the university, public school,
26 hospital or private aspects of the practice of audiology and of speech
27 pathology.

28 4. Each member of the Board who is a speech pathologist or
29 audiologist must hold a current license issued pursuant to this
30 chapter or a current certificate of clinical competence from the
31 American ~~Speech and~~ ***Speech-Language***-Hearing Association.

32 5. The member who is a representative of the general public
33 may not participate in preparing, conducting or grading any
34 examination required by the Board.

35 **Sec. 36.** NRS 638.020 is hereby amended to read as follows:

36 638.020 1. The Nevada State Board of Veterinary Medical
37 Examiners is hereby created.

38 2. The Board consists of seven members appointed by the
39 Governor.

40 3. Six of the members must:

41 (a) Be residents of the State of Nevada.

42 (b) Be graduates of a veterinary college approved by the
43 American Veterinary Medical Association.



1 (c) Have been lawfully engaged in the private practice of
2 veterinary medicine in the State of Nevada for at least 5 years next
3 preceding the date of their appointment.

4 4. One member appointed by the Governor must be a
5 representative of the general public. *This member must not be:*

6 (a) *A veterinarian, a veterinary technician or a euthanasia*
7 *technician; or*

8 (b) *The spouse or the parent or child, by blood, marriage or*
9 *adoption, of a veterinarian, a veterinary technician or a*
10 *euthanasia technician.*

11 5. Any member may be removed from the Board by the
12 Governor for good cause.

13 **Sec. 37.** NRS 640.030 is hereby amended to read as follows:

14 640.030 1. The State Board of Physical Therapy Examiners,
15 consisting of five members appointed by the Governor, is hereby
16 created.

17 2. The Governor shall appoint:

18 (a) Four members who are licensed physical therapists in the
19 State of Nevada.

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

21 *This member must not be:*

22 (1) *A physical therapist, a physical therapist's assistant or a*
23 *physical therapist's technician; or*

24 (2) *The spouse or the parent or child, by blood, marriage or*
25 *adoption, of a physical therapist, a physical therapist's assistant or*
26 *a physical therapist's technician.*

27 3. The member who is a representative of the general public
28 shall not participate in preparing, conducting or grading any
29 examination required by the Board.

30 4. No member of the Board may serve more than two
31 consecutive terms.

32 5. The Governor may remove any member of the Board for
33 incompetency, neglect of duty, gross immorality or malfeasance in
34 office.

35 6. A majority of the members of the Board constitutes a
36 quorum.

37 7. No member of the Board may be held liable in a civil action
38 for any act which he has performed in good faith in the execution of
39 his duties under this chapter.

40 **Sec. 38.** NRS 640A.080 is hereby amended to read as follows:

41 640A.080 1. The Board of Occupational Therapy, consisting
42 of five members appointed by the Governor, is hereby created.

43 2. The Governor shall appoint to the Board:

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

45 *This member must not be:*



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1 (1) *An occupational therapist or an occupational therapy*
2 *assistant; or*

3 (2) *The spouse or the parent or child, by blood, marriage or*
4 *adoption, of an occupational therapist or an occupational therapy*
5 *assistant.*

6 (b) One member who is an occupational therapist or
7 occupational therapy assistant. ~~}; and}~~

8 (c) Three members who are occupational therapists.

9 3. Each member of the Board must be a resident of Nevada. An
10 occupational therapist or occupational therapy assistant appointed to
11 the Board must:

12 (a) Have practiced, taught or conducted research in occupational
13 therapy for the 5 years immediately preceding his appointment; and

14 (b) Except for the initial members, hold a license issued
15 pursuant to this chapter.

16 4. No member of the Board may serve more than two
17 consecutive terms.

18 5. If a vacancy occurs during a member's term, the Governor
19 shall appoint a person qualified under this section to replace that
20 member for the remainder of the unexpired term.

21 **Sec. 39.** NRS 641.040 is hereby amended to read as follows:

22 641.040 1. The Governor shall appoint to the Board:

23 (a) Four members who are licensed psychologists in the State of
24 Nevada with at least 5 years of experience in the practice of
25 psychology after being licensed.

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

27 *This member must not be:*

28 (1) *A psychologist; or*

29 (2) *The spouse or the parent or child, by blood, marriage or*
30 *adoption, of a psychologist.*

31 2. A person is not eligible for appointment unless he is:

32 (a) A citizen of the United States; and

33 (b) A resident of the State of Nevada.

34 3. The member who is a representative of the general public:

35 (a) Shall not participate in preparing, conducting or grading any
36 examination required by the Board.

37 (b) Must not be a psychologist, an applicant or former applicant
38 for licensure as a psychologist, a member of a health profession or a
39 member of a household that includes a psychologist.

40 4. Board members must not have any conflicts of interest or the
41 appearance of such conflicts in the performance of their duties as
42 members of the Board.

43 **Sec. 40.** NRS 641A.100 is hereby amended to read as follows:

44 641A.100 1. The Governor shall appoint to the Board:



1 (a) Four members who are licensed marriage and family
2 therapists and are in good standing with or acceptable for
3 membership in their local or state societies and associations when
4 they exist; and

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

6 ***These members must not be:***

- 7 (1) *A marriage and family therapist; or*
8 (2) *The spouse or the parent or child, by blood, marriage or*
9 *adoption, of a marriage and family therapist.*

10 2. The members who are representatives of the general public
11 shall not participate in preparing, conducting or grading any
12 examination required by the Board.

13 3. The Governor may, after notice and hearing, remove any
14 member of the Board for misconduct in office, incompetence,
15 neglect of duty or other sufficient cause.

16 **Sec. 41.** NRS 641B.100 is hereby amended to read as follows:

17 641B.100 1. The Board of Examiners for Social Workers
18 consists of five members appointed by the Governor.

19 2. Four members appointed to the Board must be licensed or
20 eligible for licensure pursuant to this chapter, except the initial
21 members who must be eligible for licensure.

22 3. One member appointed to the Board must be a
23 representative of the general public. ***This member must not be:***

24 (a) *Licensed or eligible for licensure pursuant to this chapter;*
25 *or*

26 (b) *The spouse or the parent or child, by blood, marriage or*
27 *adoption, of a person who is licensed or eligible for licensure*
28 *pursuant to this chapter.*

29 **Sec. 42.** NRS 641C.150 is hereby amended to read as follows:

30 641C.150 1. The Board of Examiners for Alcohol and Drug
31 Abuse Counselors, consisting of five members appointed by the
32 Governor, is hereby created.

33 2. The Board must consist of:

34 (a) Three members who are licensed as alcohol and drug abuse
35 counselors pursuant to the provisions of this chapter. ~~{;}~~

36 (b) One member who is certified as an alcohol and drug abuse
37 counselor pursuant to the provisions of this chapter. ~~{; and}~~

38 (c) One member who is a representative of the general public.

39 ***This member must not be:***

40 (1) *A licensed or certified alcohol and drug abuse*
41 *counselor; or*

42 (2) *The spouse or the parent or child, by blood, marriage or*
43 *adoption, of a licensed or certified alcohol and drug abuse*
44 *counselor.*

45 3. A person may not be appointed to the Board unless he is:



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

3 (b) A resident of this state.

4 4. No member of the Board may be held liable in a civil action
5 for any act that he performs in good faith in the execution of his
6 duties pursuant to the provisions of this chapter.

7 **Sec. 43.** NRS 648.020 is hereby amended to read as follows:

8 648.020 1. The Private Investigator's Licensing Board,
9 consisting of the Attorney General or his deputy and four members
10 appointed by the Governor, is hereby created.

11 2. The Governor shall appoint:

12 (a) One member who is a private investigator.

13 (b) One member who is a private patrolman.

14 (c) One member who is a polygraphic examiner.

15 (d) One member who is a representative of the general public.

16 *This member must not be:*

17 (1) *A licensee; or*

18 (2) *The spouse or the parent or child, by blood, marriage or*
19 *adoption, of a licensee.*

20 3. The Chairman of the Board is the Attorney General or a
21 deputy attorney general designated by the Attorney General to act in
22 that capacity.

23 4. Each member of the Board, except the Chairman, is entitled
24 to receive:

25 (a) A salary of not more than \$80, as fixed by the Board, for
26 each day or portion of a day during which he attends a meeting of
27 the Board; and

28 (b) A per diem allowance and travel expenses at a rate fixed by
29 the Board, while engaged in the business of the Board. The rate
30 must not exceed the rate provided for state officers and employees
31 generally.

32 5. While engaged in the business of the Board, each employee
33 of the Board is entitled to receive a per diem allowance and travel
34 expenses at a rate fixed by the Board. The rate must not exceed the
35 rate provided for state officers and employees generally.

36 6. The member who is a representative of the general public
37 shall not participate in preparing, conducting or grading any
38 examination required by the Board.

39 **Sec. 44.** NRS 654.060 is hereby amended to read as follows:

40 654.060 1. The Governor shall appoint:

41 (a) Two members who are nursing facility administrators.

42 (b) One member who is an administrator of a residential facility
43 for groups with less than seven clients.

44 (c) One member who is an administrator of a residential facility
45 for groups with seven or more clients.



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1 (d) One member who is a member of the medical or paramedical
2 professions.

3 (e) One member who is a representative of the general public.
4 *This member must not be:*

5 (1) *A nursing facility administrator or an administrator of a*
6 *residential facility for groups; or*

7 (2) *The spouse or the parent or child, by blood, marriage or*
8 *adoption, of a nursing facility administrator or an administrator of*
9 *a residential facility for groups.*

10 2. The member who is a representative of the general public
11 shall not participate in preparing, conducting or grading any
12 examination required by the Board.

13 **Sec. 45.** NRS 218.825 is hereby amended to read as follows:

14 218.825 1. ~~Each of the boards and commissions~~ *Except as*
15 *otherwise provided in subsection 2, each board or commission*
16 *created by the provisions of chapters 623 to 625A, inclusive, 628 to*
17 *644, inclusive, ~~and 641C.~~ 654 and 656 of NRS shall :*

18 (a) *If the revenue of the board or commission from all sources*
19 *is less than \$50,000 for any fiscal year, prepare a balance sheet for*
20 *that fiscal year on the form provided by the Legislative Auditor*
21 *and file the balance sheet with the Legislative Auditor and the*
22 *Chief of the Budget Division of the Department of Administration*
23 *on or before December 1 following the end of that fiscal year. The*
24 *Legislative Auditor shall prepare and make available a form that*
25 *must be used by a board or commission to prepare such a balance*
26 *sheet.*

27 (b) *If the revenue of the board or commission from all sources*
28 *is \$50,000 or more for any fiscal year, engage the services of a*
29 *certified public accountant or public accountant, or firm of either of*
30 *such accountants, to audit all its fiscal records ~~once each year for~~*
31 *the preceding] for that fiscal year ~~for once every other year for the 2~~*
32 *preceding fiscal years. The cost of the audit must be paid by the*
33 *board or commission audited.*

34 ~~2. A] and file a report of each such audit must be filed by the~~
35 ~~board or commission] the audit~~ with the Legislative Auditor and the
36 ~~Director] Chief~~ of the Budget *Division of the Department of*
37 *Administration* on or before December 1 ~~of each year in which an~~
38 ~~audit is conducted. All audits] following the end of that fiscal year.~~

39 2. *In lieu of preparing a balance sheet or having an audit*
40 *conducted for a single fiscal year, a board or commission may*
41 *engage the services of a certified public accountant or public*
42 *accountant, or firm of either of such accountants, to audit all its*
43 *fiscal records for a period covering two successive fiscal years. If*
44 *such an audit is conducted, the board or commission shall file the*
45 *report of the audit with the Legislative Auditor and the Chief of*



1 *the Budget Division of the Department of Administration on or*
2 *before December 1 following the end of the second fiscal year.*

3 *3. The cost of each audit conducted pursuant to subsection 1*
4 *or 2 must be paid by the board or commission that is audited. Each*
5 *such audit* must be conducted in accordance with generally
6 accepted auditing standards and all financial statements must be
7 prepared in accordance with generally accepted principles of
8 accounting for special revenue funds.

9 ~~[3.—The]~~

10 *4. Whether or not a board or commission is required to have*
11 *its fiscal records audited pursuant to subsection 1 or 2, the*
12 Legislative Auditor shall audit the fiscal records of any such board
13 or commission whenever directed to do so by the Legislative
14 Commission. When the Legislative Commission directs such an
15 audit, it shall also determine who is to pay the cost of the audit.

16 *5. A person who is a state officer or employee of a board or*
17 *commission is guilty of nonfeasance if the person:*

18 *(a) Is responsible for preparing a balance sheet or having an*
19 *audit conducted pursuant to this section or is responsible for*
20 *preparing or maintaining the fiscal records that are necessary to*
21 *prepare a balance sheet or have an audit conducted pursuant to*
22 *this section; and*

23 *(b) Knowingly fails to prepare the balance sheet or have the*
24 *audit conducted pursuant to this section or knowingly fails to*
25 *prepare or maintain the fiscal records that are necessary*
26 *to prepare a balance sheet or have an audit conducted pursuant to*
27 *this section.*

28 *6. In addition to any other remedy or penalty, a person who is*
29 *guilty of nonfeasance pursuant to this section forfeits his state*
30 *office or employment and may not be appointed to a state office or*
31 *position of state employment for a period of 2 years following the*
32 *forfeiture. The provisions of this subsection do not apply to a state*
33 *officer who may be removed from office only by impeachment*
34 *pursuant to Article 7 of the Nevada Constitution.*

35 **Sec. 46.** As soon as practicable after October 1, 2003, the
36 Governor shall appoint to the State Board of Osteopathic Medicine
37 pursuant to:

38 1. Subsection 2 of NRS 633.191, one member whose term
39 expires on September 30, 2006.

40 2. Subsection 1 of NRS 633.191, one member whose term
41 expires on September 30, 2007.

42 **Sec. 47.** 1. The amendatory provisions of this act do not
43 abrogate or affect the current term of office of any member of a
44 board or commission who is serving in that term on October 1,
45 2003.



1 2. Notwithstanding the amendatory provisions of this act, if a
2 person, on October 1, 2003, has a valid contract with a board or
3 commission to perform any services as an independent contractor
4 and the contract would otherwise violate the amendatory provisions
5 of this act, the person may continue to perform those services for the
6 board or commission under the terms of the contract in existence on
7 October 1, 2003, for the remaining term of the contract.

8 3. Notwithstanding the amendatory provisions of this act, if a
9 person, on October 1, 2003, is employed by a board or commission
10 as an executive director or executive secretary or in a position with
11 powers or duties similar to those of an executive director or
12 executive secretary and the person does not possess the level of
13 education or experience, or a combination of both, to qualify the
14 person to perform the administrative and managerial tasks required
15 of the position in accordance with the amendatory provisions of this
16 act, the board or commission may continue to employ the person in
17 the position until July 1, 2005, without the person complying with
18 the amendatory provisions of this act.

19 **Sec. 48.** NRS 622.010 is hereby repealed.

TEXT OF REPEALED SECTION

622.010 “Occupational licensing board” defined. As used in this chapter, unless the context otherwise requires, “occupational licensing board” includes, without limitation:

1. The State Board of Architecture, Interior Design and Residential Design.
2. The State Board of Landscape Architecture.
3. The State Contractors’ Board.
4. The State Board of Professional Engineers and Land Surveyors.
5. The Board of Registered Environmental Health Specialists.
6. The Nevada State Board of Accountancy.
7. The Board of Medical Examiners.
8. The Board of Homeopathic Medical Examiners.
9. The Board of Dental Examiners of Nevada.
10. The State Board of Nursing.
11. The State Board of Osteopathic Medicine.
12. The Chiropractic Physicians’ Board of Nevada.
13. The State Board of Oriental Medicine.
14. The State Board of Podiatry.
15. The Nevada State Board of Optometry.



16. The Board of Dispensing Opticians.
17. The Board of Hearing Aid Specialists.
18. The Board of Examiners for Audiology and Speech Pathology.
19. The Nevada State Board of Veterinary Medical Examiners.
20. The State Board of Pharmacy.
21. The State Board of Physical Therapy Examiners.
22. The Board of Occupational Therapy.
23. The Board of Psychological Examiners.
24. The Board of Examiners for Marriage and Family Therapists.
25. The Board of Examiners for Social Workers.
26. The Board of Examiners for Alcohol and Drug Abuse Counselors.
27. The State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.
28. The State Barbers' Health and Sanitation Board.
29. The State Board of Cosmetology.
30. The Real Estate Division of the Department of Business and Industry.
31. The Commissioner of Financial Institutions.
32. The Private Investigator's Licensing Board.
33. The Health Division of the Department of Human Resources.
34. The Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care.
35. The Certified Court Reporters' Board of Nevada.

