

Amendment No. 421

Senate Amendment to Senate Bill No. 402	(BDR 54-709)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date	
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is newly added language; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~fuchsia double strikethrough~~ is new language in the bill proposed to be deleted in this amendment; (6) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment.

SHORT FORM AMENDMENT

Sections 2, 22, 245 and 245.5 of this act are the only sections affected by this amendment.



The Title of Senate Bill No. 402 is hereby amended as follows:

AN ACT relating to regulatory bodies; revising provisions relating to certain reciprocal agreements; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring certain licenses for educational personnel be issued within 30 days after receiving the application for the license; requiring certain boards and commissions to submit an annual report to the Sunset Subcommittee of the Legislative Commission and to the Governor; authorizing the Governor to suspend the authority of a board or commission to expend funds if the board or commission fails to submit such an annual report; requiring certain boards and commissions to carry out certain tasks; requiring the Legislative Counsel to create a system for monitoring the progress of an agency in adopting certain permanent regulations; revising provisions relating to the Register of Administrative Regulations; requiring the summary of certain legislative measures to include information concerning whether the legislative measure grants rulemaking authority; requiring the State Board of Oriental Medicine to propose changes to certain names and terminology; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

1 Existing law requires a regulatory body to develop opportunities for reciprocity of
 2 licensure for any person who is an active member of, or the spouse of an active member of,
 3 the Armed Forces of the United States, a veteran or the surviving spouse of a veteran and who
 4 holds a valid and unrestricted license to practice his or her profession that is not recognized by
 5 this State. (NRS 622.510) Existing law further authorizes a regulatory body to enter into a
 6 reciprocal licensing agreement for certain professions with the corresponding regulatory
 7 authority of the District of Columbia or any other state or territory of the United States. (NRS
 8 622.520) **Section 2** of this bill requires regulatory bodies in this State to enter into such
 9 reciprocal licensing agreements if certain conditions already set forth in existing law are met.
 10 Section 2 exempts the State Board of Nursing from the requirement of entering into such
 11 a reciprocal licensing agreement. Existing law provides that such reciprocal agreements
 12 must not authorize a person to practice his or her profession in this State unless the person has
 13 been in practice for at least the 5 years immediately preceding the date of his or her
 14 application. (NRS 622.520) **Section 2** provides that the person must be in practice for 3 of the
 15 5 years immediately preceding the date of his or her application.

16 Existing law authorizes certain professionals to obtain a license by endorsement to
 17 practice their respective professions in this State if the professional: (1) holds a valid and
 18 unrestricted license in another state or territory of the United States; (2) is an active member
 19 or veteran of, spouse of an active member or veteran of, or the surviving spouse of a veteran of,
 20 the Armed Forces of the United States; and (3) meets certain other requirements. (NRS
 21 630.2752, 632.162, 632.282, 633.4336, 636.207, 637B.204, 639.1365, 639.2316, 640.146,

22 640A.166, 640C.426, 641.196, 641A.242, 641B.272, 641C.3306, 641C.356, 641C.396,
23 641C.433, 653.540) **Sections 3, 9, 14, 21, 22, 29, 35, 45, 49-51, 64-66, 73, 77, 82, 89, 90, 93,**
24 **97, 105, 106, 109, 111-113, 125, 126, 131, 133, 144-148, 158, 165, 168, 175, 179, 180, 185,**
25 **186, 193, 197, 198, 201, 203, 209, 214, 221-223, 230, 236 and 237** of this bill authorize the
26 following professionals to also obtain such expedited licenses: architects, registered interior
27 designers, residential designers, landscape architects, contractors, professional engineers,
28 professional land surveyors, environmental health specialists, certified public accountants,
29 private professional guardians, practitioners of medicine, perfusionists, practitioners of
30 respiratory care, homeopathic physicians, advanced practitioners of homeopathy, homeopathic
31 assistants, dentists, dental hygienists, dental therapists, nursing assistants, practitioners of
32 osteopathic medicine, chiropractors, chiropractor's assistants, doctors of Oriental medicine,
33 podiatric physicians, podiatry hygienists, dispensing opticians, apprentice dispensing
34 opticians, hearing aid specialists, practitioners of veterinary medicine, euthanasia technicians,
35 veterinary technicians, occupational therapy assistants, athletic trainers, music therapists,
36 dietitians, embalmers, apprentice embalmers, funeral directors, funeral arrangers, operators of
37 funeral establishments and direct cremation facilities, barbers and apprentices, practitioners of
38 cosmetology, real estate brokers, broker-salespersons, real estate salespersons, escrow
39 agencies and agents, mortgage companies, mortgage loan originators, appraisers of real estate,
40 appraisal management companies, inspectors of structures, energy auditors, certain persons
41 who perform certain covered services related to real estate, foreclosure consultants, loan
42 modification consultants, exchange facilitators, asset management companies, private
43 investigators, private patrol officers, process servers, repossessioners, dog handlers, security
44 consultants, polygraphic examiners, collection agencies, collection agents, persons who work
45 in medical laboratories, administrators of facilities for long-term care, certified court reporters,
46 interpreters and realtime captioning providers. **Sections 4-8, 10-13, 15-17, 19, 23-28, 30-34,**
47 **36-38, 46, 47, 52-59, 61, 62, 67-72, 74-76, 79-85, 87, 91, 92, 94, 95, 99-102, 107, 108, 115-**
48 **121, 127-129, 132, 134, 135, 149-157, 159-164, 166, 167, 170-174, 176, 177, 181-183, 187-**
49 **192, 194-196, 199, 200, 202, 204-208, 210-213, 215-218, 224-226, 228, 229, 231-234, 238**
50 **and 239** of this bill make conforming changes by exempting such expedited licenses from
51 certain licensure procedures and requiring that a person who is issued an expedited license is
52 only required to pay half of the fee for the initial issuance of the license. **Sections 60, 78, 79,**
53 **86, 103, 109, 122-125, 130, 136-142 and 219** of this bill require certain regulatory authorities
54 to: (1) issue such expedited licenses and to provide the license in 30 days instead of 45 days;
55 and (2) provide information concerning such expedited licenses on the Internet website of the
56 regulatory authority.

57 Existing law requires the Commission on Professional Standards in Education adopt
58 regulations which provide for: (1) the issuance of provisional licenses to certain teachers and
59 other educational personnel; and (2) the reciprocal licensure of certain educational personnel
60 from other states. Existing law provides that a person who is a member or veteran of, or
61 spouse of a member or veteran of, the Armed Forces of the United States and who has
62 completed certain licensure requirements may obtain a license. (NRS 391.032) **Section 245** of
63 this bill requires such a license to be issued within 30 days after receiving the application for
64 the license by a person who is a member or veteran of, or spouse of a member or veteran of,
65 the Armed Forces of the United States.

66 Existing law requires each board and commission that is subject to the review of the
67 Sunset Subcommittee of the Legislative Commission to submit information to the Sunset
68 Subcommittee on a form prescribed by the Sunset Subcommittee. Each board and commission
69 is required to submit certain information. (NRS 232B.230) **Section 241** of this bill requires
70 each board and commission to submit an annual report to the Sunset Subcommittee and the
71 Governor on or before October 31 of each year. **Section 241** requires such an annual report to
72 include certain information, including information concerning the number of applications
73 received and denied, the number of examinations taken and fails, the number of licenses,
74 certificates or registrations issued, suspended, revoked and terminated, the number of certain

75 complaints received by the board or commission and certain information concerning
76 applicants. **Section 241** requires the Sunset Subcommittee to notify a board or commission
77 that it has failed to file this report. **Section 241** authorizes the Governor to suspend the
78 authority of the board or commission to expend any funds if the board or commission fails to
79 submit this annual report. **Section 241** requires a suspended board or commission to continue
80 to issue and renew licenses, certificates or registrations and consider applications, requires
81 each board and commission to adopt certain regulations and further requires each board and
82 commission to maintain an escrow account into which any fees received during a period of
83 suspension must be deposited. **Section 1** of this bill makes conforming changes by referencing
84 applications for certificates and registrations and by requiring certain reports to include the
85 total number of applications that were refused examination.

86 **Section 242** of this bill requires the Legislative Counsel to create a system for monitoring
87 the progress of an agency in adopting any permanent regulation that the agency is required to
88 adopt pursuant to a legislative measure enacted by the Legislature. **Section 242** requires this
89 system to include a requirement for an agency to submit: (1) a plan to the Legislative
90 Commission for the adoption of the permanent regulation; and (2) a periodic report to the
91 Legislative Counsel explaining the progress of the agency in adopting the permanent
92 regulation. **Section 242** also requires the Legislative Counsel to compile information received
93 pursuant to the system and report to the Legislative Commission upon request the progress of
94 any agency in adopting a permanent regulation that the agency is required to adopt pursuant to
95 a legislative measure enacted by the Legislature.

96 Existing law requires the Legislative Counsel to prepare and publish a Register of
97 Administrative Regulations which must include certain information regarding each permanent
98 regulation adopted by an agency. (NRS 233B.0653) **Section 243** of this bill requires the
99 Register of Administrative Regulations to include information compiled by the Legislative
100 Counsel pursuant to the system created pursuant to **section 242**.

101 Existing law requires the Legislative Counsel to make available for access on the Internet
102 the information contained in the Register of Administrative Regulations. (NRS 233B.0656)
103 **Section 244** of this bill requires this information to be made available for access in a
104 searchable, standardized database.

105 Existing law requires the summary of each bill or joint resolution introduced in the
106 Legislature to include certain information concerning fiscal effect and appropriations. (NRS
107 218D.415) **Section 240** of this bill similarly requires the summary of each bill or joint
108 resolution introduced in the Legislature to include information concerning whether the
109 legislative measure grants rulemaking authority.

110 Existing law creates the State Board of Oriental Medicine to regulate the practice of
111 Oriental medicine. (NRS 634A.030) Section 245.5 of this bill requires the Board on or
112 before June 1, 2022, to: (1) deliberate on and propose changes to the name of the Board
113 and the terminology for the profession and practice regulated by the Board; and (2)
114 submit the proposed changes to the Sunset Subcommittee of the Legislative Commission.

Section 2 of Senate Bill No. 402 is hereby amended as follows:

1 **Sec. 2.** NRS 622.520 is hereby amended to read as follows:

2 622.520 1. ~~IA~~ *If the conditions of subsection 2 are satisfied, a* regulatory
3 body that regulates a profession pursuant to chapters 630, 630A, ~~632~~ 633 to 641C,
4 inclusive, 644A or 653 of NRS in this State ~~may~~ *shall* enter into a reciprocal
5 agreement with the corresponding regulatory authority of the District of Columbia
6 or any other state or territory of the United States for the purposes of:

1 (a) Authorizing a qualified person licensed in the profession in that state or
2 territory to practice concurrently in this State and one or more other states or
3 territories of the United States; and

4 (b) Regulating the practice of such a person.

5 2. ~~[A]~~ *Before a* regulatory body ~~[may enter]~~ *enters* into a reciprocal
6 agreement pursuant to subsection 1, ~~[only if]~~ the regulatory body ~~[determines that:]~~
7 *must determine if:*

8 (a) The corresponding regulatory authority is authorized by law to enter into
9 such an agreement with the regulatory body; and

10 (b) The applicable provisions of law governing the practice of the respective
11 profession in the state or territory on whose behalf the corresponding regulatory
12 authority would execute the reciprocal agreement are substantially similar to the
13 corresponding provisions of law in this State.

14 *↳ If the regulatory body determines that the corresponding regulatory authority*
15 *is authorized by law to enter into such an agreement with the regulatory body and*
16 *that the applicable provisions of law governing the practice of the respective*
17 *profession in the state or territory on whose behalf the corresponding regulatory*
18 *authority would execute the reciprocal agreement are substantially similar to the*
19 *corresponding provisions of law in this State, the regulatory body shall enter into*
20 *a reciprocal agreement pursuant to subsection 1.*

21 3. A reciprocal agreement entered into pursuant to subsection 1 must not
22 authorize a person to practice his or her profession concurrently in this State unless
23 the person:

24 (a) Has an active license to practice his or her profession in another state or
25 territory of the United States.

26 (b) Has been in practice for at least *3 of* the 5 years immediately preceding the
27 date on which the person submits an application for the issuance of a license
28 pursuant to a reciprocal agreement entered into pursuant to subsection 1.

29 (c) Has not had his or her license suspended or revoked in any state or territory
30 of the United States.

31 (d) Has not been refused a license to practice in any state or territory of the
32 United States for any reason.

33 (e) Is not involved in and does not have pending any disciplinary action
34 concerning his or her license or practice in any state or territory of the United
35 States.

36 (f) Pays any applicable fees for the issuance of a license that are otherwise
37 required for a person to obtain a license in this State.

38 (g) Submits to the applicable regulatory body the statement required by NRS
39 425.520.

40 4. ~~[H]~~ *When* the regulatory body enters into a reciprocal agreement pursuant
41 to subsection 1, the regulatory body must prepare an annual report before January
42 31 of each year outlining the progress of the regulatory body as it relates to the
43 reciprocal agreement and submit the report to the Director of the Legislative
44 Counsel Bureau for transmittal to the next session of the Legislature in odd-
45 numbered years or to the Legislative Committee on Health Care in even-numbered
46 years.

Section 22 of Senate Bill No. 402 is hereby amended as follows:

1 **Sec. 22. 1. The Board shall ~~f, without examination,~~ issue a license by**
2 **endorsement to practice as a professional land surveyor to an applicant who**
3 **meets the requirements set forth in this section. An applicant may submit to the**
4 **Board an application for such a license if the applicant:**

5 **(a) Holds a corresponding valid and unrestricted license, registration or**
6 **certificate to practice as a professional land surveyor in the District of Columbia**
7 **or any state or territory of the United States; and**

8 **(b) Is an active member of, or the spouse of an active member of, the Armed**
9 **Forces of the United States, a veteran or the surviving spouse of a veteran.**

10 **2. An applicant for a license by endorsement pursuant to this section must**
11 **submit to the Board with his or her application:**

12 **(a) Proof satisfactory to the Board that the applicant:**

13 **(1) Satisfies the requirements of subsection 1;**

14 **(2) Has not been disciplined or investigated by the corresponding**
15 **regulatory authority of the District of Columbia or the state or territory in which**
16 **the applicant holds a license, registration or certificate to practice as a**
17 **professional land surveyor; and**

18 **(3) Has not been held civilly or criminally liable for malpractice in the**
19 **District of Columbia or any state or territory of the United States;**

20 **(b) An affidavit stating that the information contained in the application and**
21 **any accompanying material is true and correct;**

22 **(c) The application and initial license fee specified in this chapter; and**

23 **(d) Any other information required by the Board.**

24 **3. The Board may require applicants for a license by endorsement pursuant**
25 **to this section to pass an examination that covers the laws and procedures**
26 **relating to the practice of land surveying in this State.**

27 **4. Not later than 15 business days after receiving an application for a**
28 **license by endorsement to practice as a professional land surveyor pursuant to**
29 **this section, the Board shall provide written notice to the applicant of any**
30 **additional information required by the Board to consider the application. Unless**
31 **the Board denies the application for good cause, the Board shall approve the**
32 **application and issue a license by endorsement to practice as a professional land**
33 **surveyor to the applicant not later than 30 days after receiving all the additional**
34 **information required by the Board to complete the application.**

35 ~~44~~ **5. A license by endorsement to practice as a professional land surveyor**
36 **may be issued at a meeting of the Board or between its meetings by the Executive**
37 **Director of the Board. Such an action shall be deemed to be an action of the**
38 **Board.**

39 ~~45~~ **6. At any time before making a final decision on an application for a**
40 **license by endorsement pursuant to this section, the Board may grant a**
41 **provisional license authorizing an applicant to practice as a professional land**
42 **surveyor in accordance with regulations adopted by the Board.**

43 ~~46~~ **7. On the Internet website of the Board, the Board shall provide**
44 **information concerning how a person may obtain a license by endorsement**
45 **pursuant to this section.**

46 ~~47~~ **8. As used in this section, “veteran” has the meaning ascribed to it in**
47 **NRS 417.005.**

Section 245 of Senate Bill No. 402 is hereby amended as follows:

1 **Sec. 245.** NRS 391.032 is hereby amended to read as follows:

2 391.032 1. Except as otherwise provided in NRS 391.027, the Commission
3 shall:

4 (a) Adopt regulations which provide for the issuance of provisional licenses to
5 teachers and other educational personnel before completion of all courses of study
6 or other requirements for a license in this State.

7 (b) Adopt regulations which provide for the reciprocal licensure of educational
8 personnel from other states including, without limitation, for the reciprocal
9 licensure of persons who hold a license to teach special education. Such regulations
10 must include, without limitation, provisions for the reciprocal licensure of persons
11 who obtained a license pursuant to an alternative route to licensure which the
12 Department determines is as rigorous or more rigorous than the alternative route to
13 licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1
14 of NRS 391.019.

15 2. A person who is a member of the Armed Forces of the United States, a
16 veteran of the Armed Forces of the United States or the spouse of such a member or
17 veteran of the Armed Forces of the United States and who has completed the
18 equivalent of an alternative route to licensure program in another state may obtain a
19 license as if such person has completed the alternative route to licensure program of
20 this State. ~~Unless the Commission denies an application for a license is denied~~
21 ~~for good cause~~ ~~if~~ ~~pursuant to regulations adopted by the Commission,~~ ~~shall~~
22 ~~approve the application must be approved and issue a license must be issued to~~
23 ~~the person~~ ~~person not later than 30 days after receiving the application for~~
24 ~~the license is received.~~

25 3. A person who is issued a provisional license must complete all courses of
26 study and other requirements for a license in this State which is not provisional
27 within 3 years after the date on which a provisional license is issued.

NEW section 245.5 of Senate Bill No. 402 is hereby added as follows:

28 **Sec. 245.5. 1. On or before June 1, 2022, the State Board of Oriental**
29 **Medicine created by NRS 634A.030 shall:**

30 **(a) Hold one or more meetings to deliberate on and propose changes to the**
31 **name of the Board and the terminology for the profession and practice**
32 **regulated by the Board; and**

33 **(b) Submit those proposed changes to the Sunset Subcommittee of the**
34 **Legislative Commission created by NRS 232B.210.**

35 **2. The Sunset Subcommittee shall include in its biennial report submitted**
36 **to the Legislative Commission pursuant to NRS 232B.250 the proposed**
37 **changes submitted to it pursuant to subsection 1 and any recommendations**
38 **relating thereto.**