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FIRST REPRINT

A.B. 503

ASSEMBLY BILL NO. 503—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COUNSEL)

MAY 11, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions relating to background checks. (BDR 1-900)

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 background checks; establishing requirements relating to investigations into the criminal backgrounds of volunteers of a charter school, university school for profoundly gifted pupils or school district who are likely to have unsupervised contact with pupils; removing provisions authorizing the disclosure of information relating to the criminal history of an applicant for a license as a teacher or another educational personnel position to the administrator of a private school; removing certain requirements imposed on the Department of Education regarding persons whose applications for a license are denied because of a conviction of a sexual offense involving a minor; revising provisions concerning applicants for employment with a school district who are required to submit fingerprints to the school district; removing provisions requiring an applicant for employment with or employee of a private school or volunteer to submit fingerprints to the administrator of the private school and accordingly repealing provisions concerning exceptions to such a requirement; requiring applicants for certain licenses, certificates or permits to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the applicable regulatory body to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; removing the applicability of certain requirements to applicants for a license to practice any of the special branches of dental hygiene, dental therapy or dentistry; defining the term “dentistry”; revising provisions of the Psychology Interjurisdictional Compact concerning the disclosure of certain information relating to licensed psychologists; defining certain terms



relating to reports on the criminal history of certain persons associated with medical cannabis establishments and adult-use cannabis establishments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain circumstances in which a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school, the governing body of a university school for profoundly gifted pupils or the board of trustees of a school district. (NRS 388A.516, 388C.205, 391.105) **Sections 7, 8 and 11** of this bill establish requirements relating to investigations into the criminal background of such volunteers that are conducted in such circumstances.

Existing law requires an applicant for a license as a teacher or another educational personnel position to submit to the Superintendent of Public Instruction a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation (hereinafter "FBI") for its report on the criminal history of the applicant. Existing law requires the Superintendent to forward the information obtained from an investigation of the applicant to the board of trustees of a school district, the governing body of a charter school or the university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. (NRS 391.033) **Section 9** of this bill removes such a requirement. Existing law also requires the Department of Education to: (1) maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor; (2) update the list monthly; and (3) provide the list to the board of trustees of a school district or the governing body of a charter school upon request. (NRS 391.033) **Section 9** removes such provisions.

Existing law authorizes the board of trustees of a school district to employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children. (NRS 391.100) **Section 10** of this bill replaces the term "other auxiliary, nonprofessional personnel" with the term "paraprofessionals."

Existing law requires certain applicants for employment with and employees of a private school and volunteers at a private school who are likely to have unsupervised contact with pupils to submit to the administrator of the private school, before beginning employment and at least once every 5 years thereafter, a complete set of fingerprints of the applicant, employee or volunteer and written permission authorizing the administrator to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant, employee or volunteer and for submission to the FBI for its report on the criminal history of the applicant, employee or volunteer. (NRS 394.155) Existing law also provides exceptions to such a requirement in certain circumstances for volunteers at a private school who are likely to have unsupervised contact with pupils. (NRS 394.157) **Section 13** of this bill removes such provisions requiring the submission of fingerprints to the administrator of a private school, and **section 89** of this bill accordingly repeals the exceptions to such a requirement. **Section 12** of this bill makes a conforming change to remove a reference to the repealed section containing the exceptions to such a requirement.

Existing law requires every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, to satisfy certain requirements as part of the application process. (NRS 631.220) **Section 53** of this bill removes the applicability of the requirements to such special branches. **Section 51** of this bill defines the term "dentistry," and **section 52** of this bill makes a



51 conforming change to indicate the proper placement of **section 51** in the Nevada
52 Revised Statutes.

53 Existing law enacts the Psychology Interjurisdictional Compact, which is
54 designed, in general, to allow telepsychological practice across state lines and
55 temporary in-person, face-to-face services into a state in which a psychologist is not
56 licensed to practice psychology. The Compact requires the Psychology
57 Interjurisdictional Compact Commission to provide for the development and
58 maintenance of a Coordinated Licensure Information System (hereinafter
59 "Coordinated Database") to which a compact state is required to submit certain
60 information concerning licensees. The Compact also authorizes the Commission to
61 convene in a closed, nonpublic meeting if the Commission must discuss certain
62 information, including the disclosure of investigatory records compiled for law
63 enforcement purposes. (NRS 641.227) **Section 60** of this bill: (1) prohibits a
64 compact state from submitting to the Coordinated Database any information
65 concerning the criminal history of a licensee that is included in a report from the
66 Central Repository or the FBI; and (2) removes the ability of the Commission to
67 discuss the disclosure of investigatory records compiled for law enforcement
68 purposes.

69 Existing law establishes the requirements for the licensing of marriage and
70 family therapists, clinical professional counselors, marriage and family therapist
71 interns and clinical professional counselor interns. (NRS 641A.210-641A.2888)
72 **Section 61** of this bill provides that an applicant for a license to practice as a
73 marriage and family therapist or clinical professional counselor, a license by
74 endorsement to practice as a marriage and family therapist or clinical professional
75 counselor or a license as a marriage and family therapist intern or clinical
76 professional counselor intern, in addition to satisfying any other requirements, is
77 required to submit to the Board of Examiners for Marriage and Family Therapists
78 and Clinical Professional Counselors a complete set of fingerprints and written
79 permission authorizing the Board to forward those fingerprints to the Central
80 Repository for its report on the criminal history of the applicant and for submission
81 to the FBI for its report on the criminal history of the applicant.

82 Existing law requires an applicant for any license, permit or certificate issued
83 by the Nevada Funeral and Cemetery Services Board to submit a complete set of
84 his or her fingerprints to the Board. (NRS 642.511) **Section 65** of this bill sets forth
85 the specific licenses, permits and certificates for which an applicant is applying that
86 require the submission of his or her fingerprints to the Board.

87 Existing law requires each applicant for a license to engage in the business of a
88 medical cannabis establishment or an adult-use cannabis establishment and certain
89 other persons associated with the proposed medical cannabis establishment or
90 adult-use cannabis establishment to submit a complete set of the person's
91 fingerprints and written permission authorizing the Cannabis Compliance Board to
92 forward the fingerprints to the Central Repository for submission to the FBI for its
93 report on the criminal history of the applicant or other person, as applicable. (NRS
94 678B.210, 678B.250) **Sections 81-84** of this bill define certain terms for the
95 purposes of such provisions. **Section 85** of this bill makes a conforming change to
96 indicate the proper placement of **sections 81-84** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** (Deleted by amendment.)
- 2 **Sec. 2.** (Deleted by amendment.)
- 3 **Sec. 3.** (Deleted by amendment.)



1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 6.** (Deleted by amendment.)

4 **Sec. 7.** NRS 388A.516 is hereby amended to read as follows:

5 388A.516 1. A volunteer who is likely to have unsupervised
6 contact with pupils is not required to submit fingerprints to the
7 governing body of a charter school pursuant to NRS 388A.515 if the
8 volunteer submits to the governing body a completed verification
9 form prescribed by the Department, a statement from ~~an~~ **a public**
10 entity described in this subsection that is acceptable to the governing
11 body or other sufficient evidence, or the governing body otherwise
12 determines, that:

13 (a) Not more than 6 months before the date on which the
14 volunteer is required by NRS 388A.515 to submit his or her
15 fingerprints, a federal, state or local governmental entity ~~for~~
16 ~~nonprofit entity~~ determined the volunteer to be eligible to interact
17 with pupils at school as a volunteer; ~~and~~

18 (b) It is the policy of the **public** entity to conduct an
19 investigation into the criminal background of a volunteer who will
20 interact with pupils at school and that investigation ~~is~~:

21 ~~— (1) Includes the submission of fingerprints to the Federal~~
22 ~~Bureau of Investigation; and~~

23 ~~— (2) Meets~~ **meets the requirements of paragraph (c) and** any
24 other requirements prescribed by regulation of the State Board ~~is~~;
25 **and**

26 (c) **For the purposes of the investigation conducted pursuant**
27 **to paragraph (b):**

28 (1) **A statute of this State expressly requires a volunteer**
29 **who will interact with pupils at school to submit a complete set of**
30 **his or her fingerprints to the public entity and written permission**
31 **authorizing the public entity to forward those fingerprints to the**
32 **Central Repository for Nevada Records of Criminal History for its**
33 **report on the criminal history of the volunteer and for submission**
34 **to the Federal Bureau of Investigation for its report on the**
35 **criminal history of the volunteer;**

36 (2) **The statute expressly requiring the volunteer to submit**
37 **his or her fingerprints in accordance with subparagraph (1) has**
38 **been reviewed and approved by the Federal Bureau of**
39 **Investigation as satisfying the requirements of federal law; and**

40 (3) **The investigation was conducted pursuant to the statute**
41 **described in subparagraphs (1) and (2).**

42 2. In addition to the exception described in subsection 1, a
43 volunteer who is likely to have unsupervised contact with pupils is
44 not required to submit fingerprints to the governing body of a
45 charter school pursuant to NRS 388A.515 if the volunteer submits



1 to the governing body a completed verification form prescribed by
2 the Department, a statement from ~~{an}~~ *a public* entity described in
3 this subsection that is acceptable to the governing body or other
4 sufficient evidence, or the governing body otherwise determines
5 that:

6 (a) The volunteer is employed by a federal, state or local
7 governmental entity which has determined that the person is eligible
8 to have unrestricted interaction with pupils as part of his or her
9 official duties, which may include an unsupervised meeting with a
10 pupil at a school; ~~{and}~~

11 (b) It is the policy of the *public* entity to conduct an
12 investigation into the criminal background of an employee who will
13 have unrestricted interaction with pupils as part of his or her official
14 duties and that investigation ~~{~~

15 ~~— (1) Includes the submission of fingerprints to the Federal
16 Bureau of Investigation; and~~

17 ~~— (2) Meets} *meets the requirements of paragraph (c) and* any
18 other requirements prescribed by regulation of the State Board ~~{~~ ;
19 *and*~~

20 (c) *For the purposes of the investigation conducted pursuant*
21 *to paragraph (b):*

22 (1) *A statute of this State expressly requires an employee*
23 *who will have unrestricted interaction with pupils as part of his or*
24 *her official duties to submit a complete set of his or her*
25 *fingerprints to the public entity and written permission authorizing*
26 *the public entity to forward those fingerprints to the Central*
27 *Repository for Nevada Records of Criminal History for its report*
28 *on the criminal history of the employee and for submission to the*
29 *Federal Bureau of Investigation for its report on the criminal*
30 *history of the employee;*

31 (2) *The statute expressly requiring the employee to submit*
32 *his or her fingerprints in accordance with subparagraph (1) has*
33 *been reviewed and approved by the Federal Bureau of*
34 *Investigation as satisfying the requirements of federal law; and*

35 (3) *The investigation was conducted pursuant to the statute*
36 *described in subparagraphs (1) and (2).*

37 3. In addition to the exceptions described in subsections 1 and
38 2, a volunteer who is likely to have unsupervised contact with pupils
39 is not required to submit fingerprints to the governing body of a
40 charter school pursuant to NRS 388A.515 if the volunteer submits
41 to the governing body a completed form prescribed by the
42 Department, a statement from ~~{an}~~ *a public* entity described in this
43 subsection that is acceptable to the governing body or other
44 sufficient evidence, or the governing body otherwise determines
45 that:



1 (a) Not more than 6 months before the date on which the
2 volunteer is required by NRS 388A.515 to submit his or her
3 fingerprints, ~~an~~ *a public* entity included on the list of entities
4 compiled by the Department pursuant to NRS 391.106 determined
5 the volunteer to be eligible for employment or licensure or to serve
6 as a volunteer; ~~and~~

7 (b) It is the policy of the *public* entity to conduct an
8 investigation into the criminal background of an employee, licensee
9 or volunteer, as applicable, and that investigation ~~is~~

10 ~~— (1) Includes the submission of fingerprints to the Federal~~
11 ~~Bureau of Investigation; and~~

12 ~~— (2) Meets~~ *meets the requirements of paragraph (c) and* any
13 other requirements prescribed by regulation of the State Board ~~is~~ ;
14 *and*

15 (c) *For the purposes of the investigation conducted pursuant*
16 *to paragraph (b):*

17 (1) *A statute of this State expressly requires an employee,*
18 *licensee or volunteer, as applicable, to submit a complete set of his*
19 *or her fingerprints to the public entity and written permission*
20 *authorizing the public entity to forward those fingerprints to the*
21 *Central Repository for Nevada Records of Criminal History for its*
22 *report on the criminal history of the employee, licensee or*
23 *volunteer, as applicable, and for submission to the Federal*
24 *Bureau of Investigation for its report on the criminal history of*
25 *the employee, licensee or volunteer, as applicable;*

26 (2) *The statute expressly requiring the employee, licensee*
27 *or volunteer, as applicable, to submit his or her fingerprints in*
28 *accordance with subparagraph (1) has been reviewed and*
29 *approved by the Federal Bureau of Investigation as satisfying the*
30 *requirements of federal law; and*

31 (3) *The investigation was conducted pursuant to the statute*
32 *described in subparagraphs (1) and (2).*

33 4. In addition to the exceptions described in subsections 1, 2
34 and 3, a volunteer who is likely to have unsupervised contact with
35 pupils is not required to submit fingerprints to the governing body
36 of a charter school pursuant to NRS 388A.515 if:

37 (a) The volunteer submits to the governing body a completed
38 verification form prescribed by the Department, a statement from
39 ~~an~~ *a public* entity described in this subsection that is acceptable to
40 the governing body or other sufficient evidence, or the governing
41 body otherwise determines, that:

42 (1) Not more than 6 months before the date on which the
43 volunteer is required by NRS 388A.515 to submit his or her
44 fingerprints, ~~an~~ *a public* entity that is not included on the list of
45 entities compiled by the Department pursuant to NRS 391.106



1 determined the volunteer to be eligible for employment or licensure
2 or to serve as a volunteer; ~~[and]~~

3 (2) It is the policy of the *public* entity to conduct an
4 investigation into the criminal background of an employee, licensee
5 or volunteer, as applicable, and that investigation ~~is:~~

6 ~~(I) Includes the submission of fingerprints to the Federal
7 Bureau of Investigation; and~~

8 ~~(II) Meets]~~ *meets the requirements of subparagraph (3)*
9 *and* any other requirements prescribed by regulation of the State
10 Board; *and*

11 (3) *For the purposes of the investigation conducted*
12 *pursuant to subparagraph (2):*

13 (I) *A statute of this State expressly requires an*
14 *employee, licensee or volunteer, as applicable, to submit a*
15 *complete set of his or her fingerprints to the public entity and*
16 *written permission authorizing the public entity to forward those*
17 *fingerprints to the Central Repository for Nevada Records of*
18 *Criminal History for its report on the criminal history of the*
19 *employee, licensee or volunteer, as applicable, and for submission*
20 *to the Federal Bureau of Investigation for its report on the*
21 *criminal history of the employee, licensee or volunteer, as*
22 *applicable;*

23 (II) *The statute expressly requiring the employee,*
24 *licensee or volunteer, as applicable, to submit his or her*
25 *fingerprints in accordance with sub-subparagraph (I) has been*
26 *reviewed and approved by the Federal Bureau of Investigation as*
27 *satisfying the requirements of federal law; and*

28 (III) *The investigation was conducted pursuant to the*
29 *statute described in sub-subparagraphs (I) and (II);*

30 (b) The governing body determines that the investigation
31 described in paragraph (a) is at least as stringent as an investigation
32 into the criminal background of a volunteer conducted pursuant to
33 NRS 388A.515; and

34 (c) The governing body accepts the investigation. A governing
35 body may, in its discretion, accept or reject an investigation
36 described in this subsection for any reason.

37 5. In addition to the exceptions described in subsections 1 to 4,
38 inclusive, a volunteer who is likely to have unsupervised contact
39 with pupils is not required to submit fingerprints to the governing
40 body of a charter school pursuant to NRS 388A.515 if :

41 (a) *A statute of this State expressly requires* the volunteer
42 ~~[submits]~~ *to submit a complete set of his or her fingerprints to*
43 *another public entity* ~~[authorized to forward fingerprints to the~~
44 ~~Central Repository for Nevada Records of Criminal History a~~
45 ~~complete set of the volunteer's fingerprints]~~ *and* written permission



1 authorizing the *public* entity to forward the fingerprints to the
2 Central Repository for its report on the criminal history of the
3 volunteer and for submission to the Federal Bureau of Investigation
4 for its report on the criminal history of the volunteer ~~[-]~~;

5 *(b) The statute expressly requiring the volunteer to submit his*
6 *or her fingerprints in accordance with paragraph (a) has been*
7 *reviewed and approved by the Federal Bureau of Investigation as*
8 *satisfying the requirements of federal law; and*

9 *(c) The volunteer submitted his or her fingerprints to the*
10 *public entity in accordance with the statute not more than 6*
11 *months before the date on which the volunteer is required by NRS*
12 *388A.515 to submit his or her fingerprints and written permission.*

13 **Sec. 8.** NRS 388C.205 is hereby amended to read as follows:

14 388C.205 1. A volunteer who is likely to have unsupervised
15 contact with pupils is not required to submit fingerprints to the
16 governing body of a university school for profoundly gifted pupils
17 pursuant to NRS 388C.200 if the volunteer submits to the governing
18 body a completed verification form prescribed by the Department, a
19 statement from ~~[an]~~ *a public* entity described in this subsection that
20 is acceptable to the governing body or other sufficient evidence, or
21 the governing body otherwise determines, that:

22 (a) Not more than 6 months before the date on which the
23 volunteer is required by NRS 388C.200 to submit his or her
24 fingerprints, a federal, state or local governmental entity ~~[or~~
25 ~~nonprofit entity]~~ determined the volunteer to be eligible to interact
26 with pupils at school as a volunteer; ~~[and]~~

27 (b) It is the policy of the *public* entity to conduct an
28 investigation into the criminal background of a volunteer who will
29 interact with pupils at school and that investigation ~~[-]~~:

30 ~~———— (1) Includes the submission of fingerprints to the Federal~~
31 ~~Bureau of Investigation; and~~

32 ~~———— (2) Meets] meets the requirements of paragraph (c) and~~ any
33 other requirements prescribed by regulation of the State Board ~~[-]~~ ;
34 ~~and~~

35 *(c) For the purposes of the investigation conducted pursuant*
36 *to paragraph (b):*

37 *(1) A statute of this State expressly requires a volunteer*
38 *who will interact with pupils at school to submit a complete set of*
39 *his or her fingerprints to the public entity and written permission*
40 *authorizing the public entity to forward those fingerprints to the*
41 *Central Repository for Nevada Records of Criminal History for its*
42 *report on the criminal history of the volunteer and for submission*
43 *to the Federal Bureau of Investigation for its report on the*
44 *criminal history of the volunteer;*



1 (2) *The statute expressly requiring the volunteer to submit*
2 *his or her fingerprints in accordance with subparagraph (1) has*
3 *been reviewed and approved by the Federal Bureau of*
4 *Investigation as satisfying the requirements of federal law; and*

5 (3) *The investigation was conducted pursuant to the statute*
6 *described in subparagraphs (1) and (2).*

7 2. In addition to the exception described in subsection 1, a
8 volunteer who is likely to have unsupervised contact with pupils is
9 not required to submit fingerprints to the governing body of a
10 university school for profoundly gifted pupils pursuant to NRS
11 388C.200 if the volunteer submits to the governing body a
12 completed verification form prescribed by the Department, a
13 statement from ~~an~~ a public entity described in this subsection that
14 is acceptable to the governing body or other sufficient evidence, or
15 the governing body otherwise determines that:

16 (a) The volunteer is employed by a federal, state or local
17 governmental entity which has determined that the person is eligible
18 to have unrestricted interaction with pupils as part of his or her
19 official duties, which may include an unsupervised meeting with a
20 pupil at a school; ~~and~~

21 (b) It is the policy of the public entity to conduct an
22 investigation into the criminal background of an employee who will
23 have unrestricted interaction with pupils as part of his or her official
24 duties and that investigation ~~is~~

25 ~~— (1) Includes the submission of fingerprints to the Federal~~
26 ~~Bureau of Investigation; and~~

27 ~~— (2) Meets] meets the requirements of paragraph (c) and~~ any
28 other requirements prescribed by regulation of the State Board ~~is~~ ;
29 *and*

30 (c) *For the purposes of the investigation conducted pursuant*
31 *to paragraph (b):*

32 (1) *A statute of this State expressly requires an employee*
33 *who will have unrestricted interaction with pupils as part of his or*
34 *her official duties to submit a complete set of his or her*
35 *fingerprints to the public entity and written permission authorizing*
36 *the public entity to forward those fingerprints to the Central*
37 *Repository for Nevada Records of Criminal History for its report*
38 *on the criminal history of the employee and for submission to the*
39 *Federal Bureau of Investigation for its report on the criminal*
40 *history of the employee;*

41 (2) *The statute expressly requiring the employee to submit*
42 *his or her fingerprints in accordance with subparagraph (1) has*
43 *been reviewed and approved by the Federal Bureau of*
44 *Investigation as satisfying the requirements of federal law; and*



1 ***(3) The investigation was conducted pursuant to the statute***
2 ***described in subparagraphs (1) and (2).***

3 3. In addition to the exceptions described in subsections 1 and
4 2, a volunteer who is likely to have unsupervised contact with pupils
5 is not required to submit fingerprints to the governing body of a
6 university school for profoundly gifted pupils pursuant to NRS
7 388C.200 if the volunteer submits to the governing body a
8 completed form prescribed by the Department, a statement from
9 ~~an~~ ***a public*** entity described in this subsection that is acceptable to
10 the governing body or other sufficient evidence, or the governing
11 body otherwise determines that:

12 (a) Not more than 6 months before the date on which the
13 volunteer is required by NRS 388C.200 to submit his or her
14 fingerprints, ~~an~~ ***a public*** entity included on the list of entities
15 compiled by the Department pursuant to NRS 391.106 determined
16 the volunteer to be eligible for employment or licensure or to serve
17 as a volunteer; ~~and~~

18 (b) It is the policy of the ***public*** entity to conduct an
19 investigation into the criminal background of an employee, licensee
20 or volunteer, as applicable, and that investigation ~~is~~

21 ~~— (1) Included the submission of fingerprints to the Federal~~
22 ~~Bureau of Investigation; and~~

23 ~~— (2) Meets] meets the requirements of paragraph (c) and~~ any
24 other requirements prescribed by regulation of the State Board ~~is~~ ;
25 ***and***

26 ***(c) For the purposes of the investigation conducted pursuant***
27 ***to paragraph (b):***

28 ***(1) A statute of this State expressly requires an employee,***
29 ***licensee or volunteer, as applicable, to submit a complete set of his***
30 ***or her fingerprints to the public entity and written permission***
31 ***authorizing the public entity to forward those fingerprints to the***
32 ***Central Repository for Nevada Records of Criminal History for its***
33 ***report on the criminal history of the employee, licensee or***
34 ***volunteer, as applicable, and for submission to the Federal***
35 ***Bureau of Investigation for its report on the criminal history of***
36 ***the employee, licensee or volunteer, as applicable;***

37 ***(2) The statute expressly requiring the employee, licensee***
38 ***or volunteer, as applicable, to submit his or her fingerprints in***
39 ***accordance with subparagraph (1) has been reviewed and***
40 ***approved by the Federal Bureau of Investigation as satisfying the***
41 ***requirements of federal law; and***

42 ***(3) The investigation was conducted pursuant to the statute***
43 ***described in subparagraphs (1) and (2).***

44 4. In addition to the exceptions described in subsections 1, 2
45 and 3, a volunteer who is likely to have unsupervised contact with



1 pupils is not required to submit fingerprints to the governing body
2 of a university school for profoundly gifted pupils pursuant to NRS
3 388C.200 if:

4 (a) The volunteer submits to the governing body a completed
5 verification form prescribed by the Department, a statement from
6 ~~an~~ a public entity described in this subsection that is acceptable to
7 the governing body or other sufficient evidence, or the governing
8 body otherwise determines, that:

9 (1) Not more than 6 months before the date on which the
10 volunteer is required by NRS 388C.200 to submit his or her
11 fingerprints, ~~an~~ a public entity that is not included on the list of
12 entities compiled by the Department pursuant to NRS 391.106
13 determined the volunteer to be eligible for employment or licensure
14 or to serve as a volunteer; ~~and~~

15 (2) It is the policy of the public entity to conduct an
16 investigation into the criminal background of an employee, licensee
17 or volunteer, as applicable, and that investigation ~~is~~:

18 ~~(I) Included the submission of fingerprints to the Federal~~
19 ~~Bureau of Investigation; and~~

20 ~~(II) Meets~~ meets the requirements of subparagraph (3)
21 and any other requirements prescribed by regulation of the State
22 Board; and

23 (3) For the purposes of the investigation conducted
24 pursuant to subparagraph (2):

25 (I) A statute of this State expressly requires the
26 employee, licensee or volunteer, as applicable, to submit a
27 complete set of his or her fingerprints to the public entity and
28 written permission authorizing the public entity to forward those
29 fingerprints to the Central Repository for Nevada Records of
30 Criminal History for its report on the criminal history of the
31 employee, licensee or volunteer, as applicable, and for submission
32 to the Federal Bureau of Investigation for its report on the
33 criminal history of the employee, licensee or volunteer, as
34 applicable;

35 (II) The statute expressly requiring the employee,
36 licensee or volunteer, as applicable, to submit his or her
37 fingerprints in accordance with sub-subparagraph (I) has been
38 reviewed and approved by the Federal Bureau of Investigation as
39 satisfying the requirements of federal law; and

40 (III) The investigation was conducted pursuant to the
41 statute described in sub-subparagraphs (I) and (II);

42 (b) The governing body determines that the investigation
43 described in paragraph (a) is at least as stringent as an investigation
44 into the criminal background of a volunteer conducted pursuant to
45 NRS 388C.200; and



1 (c) The governing body accepts the investigation. A governing
2 body may, in its discretion, accept or reject an investigation
3 described in this subsection for any reason.

4 5. In addition to the exceptions described in subsections 1 to 4,
5 inclusive, a volunteer who is likely to have unsupervised contact
6 with pupils is not required to submit fingerprints to the governing
7 body of a university school for profoundly gifted pupils pursuant to
8 NRS 388C.200 if :

9 (a) *A statute of this State expressly requires* the volunteer
10 ~~[submits] to submit a complete set of his or her fingerprints~~ to
11 another *public* entity ~~[authorized to forward fingerprints to the~~
12 ~~Central Repository for Nevada Records of Criminal History a~~
13 ~~complete set of the volunteer's fingerprints]~~ and written permission
14 authorizing the *public* entity to forward the fingerprints to the
15 Central Repository for its report on the criminal history of the
16 volunteer and for submission to the Federal Bureau of Investigation
17 for its report on the criminal history of the volunteer ~~[.]~~;

18 (b) *The statute requiring the volunteer to submit his*
19 *or her fingerprints in accordance with paragraph (a) has been*
20 *reviewed and approved by the Federal Bureau of Investigation as*
21 *satisfying the requirements of federal law; and*

22 (c) *The volunteer submitted his or her fingerprints to the*
23 *public entity in accordance with the statute not more than 6*
24 *months before the date on which the volunteer is required by NRS*
25 *388C.200 to submit his or her fingerprints.*

26 **Sec. 9.** NRS 391.033 is hereby amended to read as follows:

27 391.033 1. All licenses for teachers and other educational
28 personnel are granted by the Superintendent of Public Instruction
29 pursuant to regulations adopted by the Commission and as
30 otherwise provided by law.

31 2. An application for the issuance of a license must include the
32 social security number of the applicant.

33 3. Every applicant for a license must submit with his or her
34 application:

35 (a) A complete set of his or her fingerprints and written
36 permission authorizing the Superintendent to forward the
37 fingerprints to the Central Repository for Nevada Records of
38 Criminal History for its initial report on the criminal history of the
39 applicant and for reports thereafter upon renewal of the license
40 pursuant to subsection 8 of NRS 179A.075, and for submission to
41 the Federal Bureau of Investigation for its report on the criminal
42 history of the applicant; and

43 (b) Written authorization for the Superintendent to obtain any
44 information concerning the applicant that may be available from the
45 Statewide Central Registry and any equivalent registry maintained



1 by a governmental entity in a jurisdiction in which the applicant has
2 resided within the immediately preceding 5 years.

3 4. In conducting an investigation into the background of an
4 applicant for a license, the Superintendent may cooperate with any
5 appropriate law enforcement agency to obtain information relating
6 to the criminal history of the applicant, including, without
7 limitation, any record of warrants for the arrest of or applications for
8 protective orders against the applicant.

9 5. The Superintendent may issue a provisional license pending
10 receipt of the reports of the Federal Bureau of Investigation and the
11 Central Repository for Nevada Records of Criminal History if the
12 Superintendent determines that the applicant is otherwise qualified.

13 6. Except as otherwise provided in subsection 8, a license must
14 be issued to, or renewed for, as applicable, an applicant if:

15 (a) The Superintendent determines that the applicant is
16 qualified;

17 (b) The information obtained by the Superintendent pursuant to
18 subsections 3 and 4:

19 (1) Does not indicate that the applicant has been convicted of
20 a felony or any offense involving moral turpitude or indicates that
21 the applicant has been convicted of a felony or an offense involving
22 moral turpitude but the Superintendent determines that the
23 conviction is unrelated to the position within the county school
24 district or charter school for which the applicant applied or for
25 which he or she is currently employed, as applicable;

26 (2) Does not indicate that there has been a substantiated
27 report of abuse or neglect of a child, as defined in NRS 432B.020,
28 or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made
29 against the applicant in any state; and

30 (3) Does not indicate that the applicant has a warrant for his
31 or her arrest; and

32 (c) For initial licensure, the applicant submits the statement
33 required pursuant to NRS 391.034.

34 7. If, pursuant to subparagraph (2) of paragraph (b) of
35 subsection 6, the information indicates that a substantiated report
36 has been made against the applicant in any state, the Superintendent
37 shall:

38 (a) Suspend the application process;

39 (b) Notify the applicant of the substantiated report; and

40 (c) Provide the applicant an opportunity to rebut the
41 substantiated report.

42 8. The Superintendent may deny an application for a license
43 pursuant to this section if:

44 (a) A report on the criminal history of the applicant from the
45 Federal Bureau of Investigation or the Central Repository for



1 Nevada Records of Criminal History indicates that the applicant has
2 been arrested for or charged with a sexual offense involving a minor
3 or pupil, including, without limitation, any attempt, solicitation or
4 conspiracy to commit such an offense; and

5 (b) The Superintendent provides to the applicant:

6 (1) Written notice of his or her intent to deny the application;
7 and

8 (2) An opportunity for the applicant to have a hearing.

9 9. To request a hearing pursuant to subsection 8, an applicant
10 must submit a written request to the Superintendent within 15 days
11 after receipt of the notice by the applicant. Such a hearing must be
12 conducted in accordance with regulations adopted by the State
13 Board. If no request for a hearing is filed within that time, the
14 Superintendent may deny the license.

15 10. If the Superintendent denies an application for a license
16 pursuant to this section, the Superintendent must, within 15 days
17 after the date on which the application is denied, provide notice of
18 the denial to the school district or charter school that employs the
19 applicant if the applicant is employed by a school district or charter
20 school. Such a notice must not state the reasons for denial.

21 11. ~~The Department shall:~~

22 ~~—(a) Maintain a list of the names of persons whose applications~~
23 ~~for a license are denied due to conviction of a sexual offense~~
24 ~~involving a minor;~~

25 ~~—(b) Update the list maintained pursuant to paragraph (a)~~
26 ~~monthly; and~~

27 ~~—(c) Provide this list to the board of trustees of a school district or~~
28 ~~the governing body of a charter school upon request.~~

29 ~~—12. The Superintendent shall forward all information obtained~~
30 ~~from an investigation of an applicant pursuant to subsections 3 and 4~~
31 ~~to the board of trustees of a school district, the governing body of a~~
32 ~~charter school or university school for profoundly gifted pupils or~~
33 ~~the administrator of a private school where the applicant is~~
34 ~~employed or seeking employment. Except as otherwise provided in~~
35 ~~this section, any information shared with the board of trustees of~~
36 ~~a school district, the governing body of a charter school or~~
37 ~~university school for profoundly gifted pupils or the administrator of~~
38 ~~a private school is confidential and must not be disclosed to any~~
39 ~~person other than the applicant. The board of trustees, governing~~
40 ~~body or administrator, as applicable, may use a substantiated report~~
41 ~~of the abuse or neglect of a child, as defined in NRS 392.281, or a~~
42 ~~violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained~~
43 ~~from the Statewide Central Registry or an equivalent registry~~
44 ~~maintained by a governmental agency in another jurisdiction:~~



1 —(a) In making determinations concerning assignments, requiring
2 retraining, imposing discipline, hiring or termination; and

3 —(b) In any proceedings to which the report is relevant, including,
4 without limitation, an action for trespass or a restraining order.

5 —13.] The Superintendent [~~the board of trustees of a school~~
6 ~~district, the governing body of a charter school or university school~~
7 ~~for profoundly gifted pupils or the administrator of a private school]~~
8 may not be held liable for damages resulting from any action of the
9 Superintendent [~~board of trustees, governing body or administrator,~~
10 ~~as applicable,]~~ authorized by subsection 4. ~~for 12.~~

11 —14.] 12. The Superintendent may enter into reciprocal
12 agreements with appropriate officials of other countries concerning
13 the licensing of teachers.

14 ~~15.]~~ 13. As used in this section, “sexual offense” has the
15 meaning ascribed to it in NRS 179D.097.

16 **Sec. 10.** NRS 391.100 is hereby amended to read as follows:

17 391.100 1. The board of trustees of a school district may
18 employ a superintendent of schools, teachers and all other necessary
19 employees.

20 2. The board of trustees of a school district:

21 (a) May employ teacher aides and ~~other auxiliary,~~
22 ~~nonprofessional personnel]~~ **paraprofessionals** to assist licensed
23 personnel in the instruction or supervision of children, either in the
24 classroom or at any other place in the school or on the grounds
25 thereof. A person who is employed as a paraprofessional by a school
26 district to work in a program supported with Title I money must
27 possess the requirements prescribed by the State Board pursuant to
28 NRS 391.094.

29 (b) Shall establish policies governing the duties and
30 performance of teacher aides.

31 **Sec. 11.** NRS 391.105 is hereby amended to read as follows:

32 391.105 1. A volunteer who is likely to have unsupervised
33 contact with pupils is not required to submit fingerprints to the
34 board of trustees of a school district pursuant to NRS 391.104 if the
35 volunteer submits to the board of trustees a completed verification
36 form prescribed by the Department, a statement from ~~an~~ **a public**
37 entity described in this subsection that is acceptable to the board of
38 trustees or other sufficient evidence, or the board of trustees
39 otherwise determines, that:

40 (a) Not more than 6 months before the date on which the
41 volunteer is required by NRS 391.104 to submit his or her
42 fingerprints, a federal, state or local governmental entity ~~or~~
43 ~~nonprofit entity]~~ determined the volunteer to be eligible to interact
44 with pupils at school as a volunteer; ~~and]~~



1 (b) It is the policy of the *public* entity to conduct an
2 investigation into the criminal background of a volunteer who will
3 interact with pupils at school and that investigation ~~is~~:

4 ~~— (1) Includes the submission of fingerprints to the Federal~~
5 ~~Bureau of Investigation; and~~

6 ~~— (2) Meets] meets the requirements of paragraph (c) and~~ any
7 other requirements prescribed by regulation of the State Board ~~is~~ ;
8 ~~and~~

9 (c) *For the purposes of the investigation conducted pursuant*
10 *to paragraph (b):*

11 (1) *A statute of this State expressly requires a volunteer*
12 *who will interact with pupils at school to submit a complete set of*
13 *his or her fingerprints to the public entity and written permission*
14 *authorizing the public entity to forward those fingerprints to the*
15 *Central Repository for Nevada Records of Criminal History for its*
16 *report on the criminal history of the volunteer and for submission*
17 *to the Federal Bureau of Investigation for its report on the*
18 *criminal history of the volunteer;*

19 (2) *The statute expressly requiring the volunteer to submit*
20 *his or her fingerprints in accordance with subparagraph (1) has*
21 *been reviewed and approved by the Federal Bureau of*
22 *Investigation as satisfying the requirements of federal law; and*

23 (3) *The investigation was conducted pursuant to the statute*
24 *described in subparagraphs (1) and (2).*

25 2. In addition to the exception described in subsection 1, a
26 volunteer who is likely to have unsupervised contact with pupils is
27 not required to submit fingerprints to the board of trustees of a
28 school district pursuant to NRS 391.104 if the volunteer submits to
29 the board of trustees a completed verification form prescribed by the
30 Department, a statement from ~~an~~ *a public* entity described in this
31 subsection that is acceptable to the board of trustees or other
32 sufficient evidence, or the board of trustees otherwise determines
33 that:

34 (a) The volunteer is employed by a federal, state or local
35 governmental entity which has determined that the person is eligible
36 to have unrestricted interaction with pupils as part of his or her
37 official duties, which may include an unsupervised meeting with a
38 pupil at a school; ~~and~~

39 (b) It is the policy of the *public* entity to conduct an
40 investigation into the criminal background of an employee who will
41 have unrestricted interaction with pupils as part of his or her official
42 duties and that investigation ~~is~~:

43 ~~— (1) Includes the submission of fingerprints to the Federal~~
44 ~~Bureau of Investigation; and-~~



1 ~~— (2) Meets]~~ *meets the requirements of paragraph (c) and* any
2 other requirements prescribed by regulation of the State Board ~~[]~~ ;
3 *and*

4 *(c) For the purposes of the investigation conducted pursuant*
5 *to paragraph (b):*

6 *(1) A statute of this State expressly requires an employee*
7 *who will have unrestricted interaction with pupils as part of his or*
8 *her official duties to submit a complete set of his or her*
9 *fingerprints to the public entity and written permission authorizing*
10 *the public entity to forward those fingerprints to the Central*
11 *Repository for Nevada Records of Criminal History for its report*
12 *on the criminal history of the employee and for submission to the*
13 *Federal Bureau of Investigation for its report on the criminal*
14 *history of the employee;*

15 *(2) The statute expressly requiring the employee to submit*
16 *his or her fingerprints in accordance with subparagraph (1) has*
17 *been reviewed and approved by the Federal Bureau of*
18 *Investigation as satisfying the requirements of federal law; and*

19 *(3) The investigation was conducted pursuant to the statute*
20 *described in subparagraphs (1) and (2).*

21 3. In addition to the exceptions described in subsections 1 and
22 2, a volunteer who is likely to have unsupervised contact with pupils
23 is not required to submit fingerprints to the board of trustees of a
24 school district pursuant to NRS 391.104 if the volunteer submits to
25 the board of trustees a completed form prescribed by the
26 Department, a statement from ~~[an]~~ *a public* entity described in this
27 subsection that is acceptable to the board of trustees or other
28 sufficient evidence, or the board of trustees otherwise determines
29 that:

30 (a) Not more than 6 months before the date on which the
31 volunteer is required by NRS 391.104 to submit his or her
32 fingerprints, ~~[an]~~ *a public* entity included on the list of entities
33 compiled by the Department pursuant to NRS 391.106 determined
34 the volunteer to be eligible for employment or licensure or to serve
35 as a volunteer; ~~[and]~~

36 (b) It is the policy of the *public* entity to conduct an
37 investigation into the criminal background of an employee, licensee
38 or volunteer, as applicable, and that investigation ~~[]~~

39 ~~— (1) Included the submission of fingerprints to the Federal~~
40 ~~Bureau of Investigation; and~~

41 ~~— (2) Meets]~~ *meets the requirements of paragraph (c) and* any
42 other requirements prescribed by regulation of the State Board ~~[]~~ ;
43 *and*

44 *(c) For the purposes of the investigation conducted pursuant*
45 *to paragraph (b):*



1 (1) *A statute of this State expressly requires an employee,*
2 *licensee or volunteer, as applicable, to submit a complete set of his*
3 *or her fingerprints to the public entity and written permission*
4 *authorizing the public entity to forward those fingerprints to the*
5 *Central Repository for Nevada Records of Criminal History for its*
6 *report on the criminal history of the employee, licensee or*
7 *volunteer, as applicable, and for submission to the Federal*
8 *Bureau of Investigation for its report on the criminal history of*
9 *the employee, licensee or volunteer, as applicable;*

10 (2) *The statute expressly requiring the employee, licensee*
11 *or volunteer, as applicable, to submit his or her fingerprints in*
12 *accordance with subparagraph (1) has been reviewed and*
13 *approved by the Federal Bureau of Investigation as satisfying the*
14 *requirements of federal law; and*

15 (3) *The investigation was conducted pursuant to the statute*
16 *described in subparagraphs (1) and (2).*

17 4. In addition to the exceptions described in subsections 1, 2
18 and 3, a volunteer who is likely to have unsupervised contact with
19 pupils is not required to submit fingerprints to the board of trustees
20 of a school district pursuant to NRS 391.104 if:

21 (a) The volunteer submits to the board of trustees a completed
22 verification form prescribed by the Department, a statement from
23 ~~[an]~~ *a public* entity described in this subsection that is acceptable to
24 the board of trustees or other sufficient evidence, or the board of
25 trustees otherwise determines, that:

26 (1) Not more than 6 months before the date on which the
27 volunteer is required by NRS 391.104 to submit his or her
28 fingerprints, ~~[an]~~ *a public* entity that is not included on the list of
29 entities compiled by the Department pursuant to NRS 391.106
30 determined the volunteer to be eligible for employment or licensure
31 or to serve as a volunteer; ~~[and]~~

32 (2) It is the policy of the *public* entity to conduct an
33 investigation into the criminal background of an employee, licensee
34 or volunteer, as applicable, and that investigation ~~[-~~

35 ~~----- (I) Included the submission of fingerprints to the Federal~~
36 ~~Bureau of Investigation; and~~

37 ~~----- (II) Meets] meets the requirements of subparagraph (3)~~

38 *and* any other requirements prescribed by regulation of the State
39 Board; *and*

40 (3) *For the purposes of the investigation conducted*
41 *pursuant to subparagraph (2):*

42 (1) *A statute of this State expressly requires an*
43 *employee, licensee or volunteer, as applicable, to submit a*
44 *complete set of his or her fingerprints to the public entity and*
45 *written permission authorizing the public entity to forward those*



1 *fingerprints to the Central Repository for Nevada Records of*
2 *Criminal History for its report on the criminal history of the*
3 *employee, licensee or volunteer, as applicable, and for submission*
4 *to the Federal Bureau of Investigation for its report on the*
5 *criminal history of the employee, licensee or volunteer, as*
6 *applicable;*

7 *(II) The statute expressly requiring the employee,*
8 *licensee or volunteer, as applicable, to submit his or her*
9 *fingerprints in accordance with sub-subparagraph (I) has been*
10 *reviewed and approved by the Federal Bureau of Investigation as*
11 *satisfying the requirements of federal law; and*

12 *(III) The investigation was conducted pursuant to the*
13 *statute described in sub-subparagraphs (I) and (II);*

14 (b) The board of trustees determines that the investigation
15 described in paragraph (a) is at least as stringent as an investigation
16 into the criminal background of a volunteer conducted pursuant to
17 NRS 391.104; and

18 (c) The board of trustees accepts the investigation. The board of
19 trustees of a school district may, in its discretion, accept or reject an
20 investigation described in this subsection for any reason.

21 5. In addition to the exceptions described in subsections 1 to 4,
22 inclusive, a volunteer who is likely to have unsupervised contact
23 with pupils is not required to submit fingerprints to the board of
24 trustees of a school district pursuant to NRS 391.104 if :

25 *(a) A statute of this State expressly requires the volunteer*
26 ~~*[submits] to submit a complete set of his or her fingerprints*~~ *to*
27 *another public entity* ~~*[authorized to forward fingerprints to the*~~
28 ~~*Central Repository for Nevada Records of Criminal History a*~~
29 ~~*complete set of the volunteer's fingerprints]*~~ *and written permission*
30 *authorizing the public entity to forward the fingerprints to the*
31 *Central Repository for its report on the criminal history of the*
32 *volunteer and for submission to the Federal Bureau of Investigation*
33 *for its report on the criminal history of the volunteer* ~~*[.]*~~;

34 *(b) The statute expressly requiring the volunteer to submit his*
35 *or her fingerprints in accordance with paragraph (a) has been*
36 *reviewed and approved by the Federal Bureau of Investigation as*
37 *satisfying the requirements of federal law; and*

38 *(c) The volunteer submitted his or her fingerprints to the*
39 *public entity in accordance with the statute not more than 6*
40 *months before the date on which the volunteer is required by NRS*
41 *391.104 to submit his or her fingerprints.*

42 **Sec. 12.** NRS 394.152 is hereby amended to read as follows:
43 394.152 As used in NRS 394.152 to ~~**[394.157,]**~~ **394.155,**
44 inclusive, unless the context otherwise requires, the words and terms



1 defined in NRS 394.153 and 394.154 have the meanings ascribed to
2 them in those sections.

3 **Sec. 13.** NRS 394.155 is hereby amended to read as follows:

4 394.155 1. ~~Each~~ **Each** applicant for employment with or employee at a private
5 school, except a licensed teacher or other person licensed by the
6 Superintendent of Public Instruction, or volunteer at a private school
7 who is likely to have unsupervised contact with pupils, must, before
8 beginning his or her employment or service as a volunteer and at
9 least once every 5 years thereafter, submit to the administrator of the
10 private school ~~the~~:

11 ~~— (a) A complete set of the applicant's, employee's or volunteer's~~
12 ~~fingerprints and written permission authorizing the administrator to~~
13 ~~forward the fingerprints to the Central Repository for Nevada~~
14 ~~Records of Criminal History for its report on the criminal history of~~
15 ~~the applicant, employee or volunteer and for submission to the~~
16 ~~Federal Bureau of Investigation for its report on the criminal history~~
17 ~~of the applicant, employee or volunteer; and~~

18 ~~— (b) Written~~ **written** authorization for the administrator to obtain
19 any information concerning the applicant, employee or volunteer
20 that may be available from the Statewide Central Registry for the
21 Collection of Information Concerning the Abuse or Neglect of a
22 Child established by NRS 432.100 and any equivalent registry
23 maintained by a governmental entity in a jurisdiction in which the
24 applicant, employee or volunteer has resided within the immediately
25 preceding 5 years.

26 2. The administrator of the private school shall ~~the~~:

27 ~~— (a) Submit the fingerprints of the applicant to the Central~~
28 ~~Repository for submission to the Federal Bureau of Investigation~~
29 ~~and to such other law enforcement agencies as the administrator~~
30 ~~deems necessary; and~~

31 ~~— (b) Request~~ **request** any information that may be available from
32 the Statewide Central Registry for the Collection of Information
33 Concerning the Abuse or Neglect of a Child established by NRS
34 432.100 and any equivalent registry maintained by a governmental
35 entity in a jurisdiction in which the applicant, employee or volunteer
36 has resided within the immediately preceding 5 years.

37 3. ~~In conducting an investigation into the criminal history of~~
38 ~~an applicant, employee or volunteer, the administrator of a private~~
39 ~~school may cooperate with any appropriate law enforcement agency~~
40 ~~to obtain information relating to the criminal history of the~~
41 ~~applicant, employee or volunteer, including, without limitation, any~~
42 ~~record of warrants or applications for protective orders.~~

43 ~~— 4.]~~ The administrator or governing body of a private school
44 may use a substantiated report of the abuse or neglect of a child, as
45



1 defined in NRS 392.281, or a violation of NRS 201.540, 201.560,
2 392.4633 or 394.366 obtained from the Statewide Central Registry
3 or an equivalent registry maintained by a governmental agency in
4 another jurisdiction:

5 (a) In making determinations concerning assignments, requiring
6 retraining, imposing discipline, hiring, accepting a volunteer or
7 termination; and

8 (b) In any proceedings to which the report is relevant, including,
9 without limitation, an action for trespass or a restraining order.

10 ~~§~~ 4. The administrator or governing body of a private school
11 may not be held liable for damages resulting from taking any action
12 authorized by subsection 3 . ~~[or 4 or NRS 394.157.]~~

13 **Sec. 14.** (Deleted by amendment.)

14 **Sec. 15.** (Deleted by amendment.)

15 **Sec. 16.** (Deleted by amendment.)

16 **Sec. 17.** (Deleted by amendment.)

17 **Sec. 18.** (Deleted by amendment.)

18 **Sec. 19.** (Deleted by amendment.)

19 **Sec. 20.** (Deleted by amendment.)

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

21 **Sec. 22.** (Deleted by amendment.)

22 **Sec. 23.** (Deleted by amendment.)

23 **Sec. 24.** (Deleted by amendment.)

24 **Sec. 25.** (Deleted by amendment.)

25 **Sec. 26.** (Deleted by amendment.)

26 **Sec. 27.** (Deleted by amendment.)

27 **Sec. 28.** (Deleted by amendment.)

28 **Sec. 29.** (Deleted by amendment.)

29 **Sec. 30.** (Deleted by amendment.)

30 **Sec. 31.** (Deleted by amendment.)

31 **Sec. 32.** (Deleted by amendment.)

32 **Sec. 33.** (Deleted by amendment.)

33 **Sec. 34.** (Deleted by amendment.)

34 **Sec. 35.** (Deleted by amendment.)

35 **Sec. 36.** (Deleted by amendment.)

36 **Sec. 37.** (Deleted by amendment.)

37 **Sec. 38.** (Deleted by amendment.)

38 **Sec. 39.** (Deleted by amendment.)

39 **Sec. 40.** (Deleted by amendment.)

40 **Sec. 41.** (Deleted by amendment.)

41 **Sec. 42.** (Deleted by amendment.)

42 **Sec. 43.** (Deleted by amendment.)

43 **Sec. 44.** (Deleted by amendment.)

44 **Sec. 45.** (Deleted by amendment.)

45 **Sec. 46.** (Deleted by amendment.)



1 **Sec. 47.** (Deleted by amendment.)

2 **Sec. 48.** (Deleted by amendment.)

3 **Sec. 49.** (Deleted by amendment.)

4 **Sec. 50.** (Deleted by amendment.)

5 **Sec. 51.** Chapter 631 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *“Dentistry” means the evaluation, diagnosis, prevention and*
8 *treatment of diseases, disorders and conditions of the oral cavity,*
9 *the maxillofacial area and the adjacent and associated structures*
10 *and their impact on the human body, which care is provided by a*
11 *dentist within the scope of his or her education, training and*
12 *experience in accordance with the ethics of the profession and*
13 *applicable law.*

14 **Sec. 52.** NRS 631.005 is hereby amended to read as follows:

15 631.005 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS 631.015 to 631.105,
17 inclusive, *and section 51 of this act* have the meanings ascribed to
18 them in those sections.

19 **Sec. 53.** NRS 631.220 is hereby amended to read as follows:

20 631.220 1. Every applicant for a license to practice dental
21 hygiene, dental therapy or dentistry ~~[, or any of its special branches,]~~
22 must:

23 (a) File an application with the Board.

24 (b) Accompany the application with a recent photograph of the
25 applicant together with the required fee and such other
26 documentation as the Board may require by regulation.

27 (c) Submit with the application a complete set of fingerprints
28 and written permission authorizing the Board to forward the
29 fingerprints to the Central Repository for Nevada Records of
30 Criminal History for submission to the Federal Bureau of
31 Investigation for its report.

32 (d) If the applicant is required to take an examination pursuant
33 to NRS 631.240, 631.300 or 631.3121, submit with the application
34 proof satisfactory that the applicant passed the examination.

35 2. An application must include all information required to
36 complete the application.

37 3. The Secretary-Treasurer may, in accordance with regulations
38 adopted by the Board and if the Secretary-Treasurer determines that
39 an application is:

40 (a) Sufficient, advise the Executive Director of the sufficiency
41 of the application. Upon the advice of the Secretary-Treasurer, the
42 Executive Director may issue a license to the applicant without
43 further review by the Board.

44 (b) Insufficient, reject the application by sending written notice
45 of the rejection to the applicant.



1 **Sec. 54.** (Deleted by amendment.)

2 **Sec. 55.** (Deleted by amendment.)

3 **Sec. 56.** (Deleted by amendment.)

4 **Sec. 57.** (Deleted by amendment.)

5 **Sec. 58.** (Deleted by amendment.)

6 **Sec. 59.** (Deleted by amendment.)

7 **Sec. 60.** NRS 641.227 is hereby amended to read as follows:

8 641.227 The Psychology Interjurisdictional Compact, set forth
9 in this section, is hereby enacted into law and entered into with all
10 other jurisdictions substantially as follows:

11
12 **ARTICLE I.**

13
14 **PURPOSE**

15
16 WHEREAS, States license psychologists in order to protect the
17 public through verification of education, training and experience and
18 ensure accountability for professional practice; and

19 WHEREAS, This Compact is intended to regulate the day-to-day
20 practice of telepsychology, including the provision of psychological
21 services using telecommunication technologies, by psychologists
22 across state boundaries in the performance of their psychological
23 practice as assigned by an appropriate authority; and

24 WHEREAS, This Compact is intended to regulate the temporary
25 in-person face-to-face practice of psychology by psychologists
26 across state boundaries for 30 days within a calendar year in the
27 performance of their psychological practice as assigned by an
28 appropriate authority; and

29 WHEREAS, This Compact is intended to authorize state
30 psychology regulatory authorities to afford legal recognition, in a
31 manner consistent with the terms of the Compact, to psychologists
32 licensed in another state; and

33 WHEREAS, This Compact recognizes that states have a vested
34 interest in protecting the public's health and safety through the
35 licensing and regulation of psychologists and that such state
36 regulation will best protect the public health and safety; and

37 WHEREAS, This Compact does not apply when a psychologist is
38 licensed in both the home and receiving jurisdiction; and

39 WHEREAS, This Compact does not apply to permanent in-
40 person, face-to-face practice, but it does allow for the authorization
41 of temporary psychological practice.

42 Consistent with these principles, this Compact is designed to
43 achieve the following purposes and objectives:

44 1. Increase public access to professional psychological services
45 by allowing for telepsychological practice across state lines, as well



1 as temporary in-person, face-to-face services, into a state which the
2 psychologist is not licensed to practice psychology;

3 2. Enhance the states' ability to protect the public's health and
4 safety, especially client/patient safety;

5 3. Encourage the cooperation of the compact states in the areas
6 of psychology licensure and regulation;

7 4. Facilitate the exchange of information between the compact
8 states regarding psychologist licensure, adverse actions and
9 disciplinary history;

10 5. Promote compliance with the laws governing psychological
11 practice in each compact state; and

12 6. Invest all compact states with the authority to hold licensed
13 psychologists accountable through the mutual recognition of
14 compact state licenses.

15
16 ARTICLE II.

17
18 DEFINITIONS

19
20 A. "Adverse action" means any action taken by a state
21 psychology regulatory authority which finds a violation of a statute
22 or regulation that is identified by the state psychology regulatory
23 authority as discipline and is a matter of public record.

24 B. "Association of State and Provincial Psychology Boards
25 (ASPPB)" means the recognized membership organization
26 composed of state and provincial psychology regulatory authorities
27 responsible for the licensure and registration of psychologists
28 throughout the United States and Canada.

29 C. "Authority to practice interjurisdictional telepsychology"
30 means a licensed psychologist's authority to practice
31 telepsychology, within the limits authorized under this Compact, in
32 another compact state.

33 D. "Bylaws" means those bylaws established by the
34 Psychology Interjurisdictional Compact Commission pursuant to
35 Article X for its governance, or for directing and controlling its
36 actions and conduct.

37 E. "Client/patient" means the recipient of psychological
38 services, whether psychological services are delivered in the context
39 of healthcare, corporate, supervision and/or consulting services.

40 F. "Commissioner" means the voting representative appointed
41 by each state psychology regulatory authority pursuant to Article X.

42 G. "Compact state" means a state, the District of Columbia or
43 United States territory that has enacted this Compact and which has
44 not withdrawn pursuant to Article XIII, section C or been terminated
45 pursuant to Article XII, section B.



1 H. “Coordinated Licensure Information System” or
2 “Coordinated Database” means an integrated process for collecting,
3 storing and sharing information on psychologists’ licensure and
4 enforcement activities related to psychology licensure laws, which is
5 administered by the recognized membership organization composed
6 of the state psychology regulatory authorities.

7 I. “Confidentiality” means the principle that data or
8 information is not made available or disclosed to unauthorized
9 persons or processes.

10 J. “Day” means any part of a day in which psychological work
11 is performed.

12 K. “Distant state” means the compact state where a
13 psychologist is physically present, not through using
14 telecommunications technologies, to provide temporary in-person,
15 face-to-face psychological services.

16 L. “E.Passport” means a certificate issued by the Association
17 of State and Provincial Psychology Boards (ASPPB) that promotes
18 the standardization in the criteria of interjurisdictional
19 telepsychology practice and facilitates the process for licensed
20 psychologists to provide telepsychological services across state
21 lines.

22 M. “Executive Board” means a group of directors elected or
23 appointed to act on behalf of, and within the powers granted to them
24 by, the Commission.

25 N. “Home state” means a compact state where a psychologist
26 is licensed to practice psychology. If the psychologist is licensed in
27 more than one compact state, and is practicing under the
28 authorization to practice interjurisdictional telepsychology, the
29 home state is the compact state where the psychologist was
30 physically present when the telepsychological services were
31 delivered. If the psychologist is licensed in more than one compact
32 state and is practicing under the temporary authorization to practice,
33 the home state is any compact state where the psychologist is
34 licensed.

35 O. “Identity history summary” means a summary of
36 information retained by the Federal Bureau of Investigation, or other
37 designee with similar authority, in connection with arrests and, in
38 some instances, federal employment, naturalization or military
39 service.

40 P. “In-person, face-to-face” means interactions in which the
41 psychologist and the client/patient are in the same physical space
42 and which does not include interactions that may occur through the
43 use of telecommunication technologies.

44 Q. “Interjurisdictional practice certificate (IPC)” means a
45 certificate issued by the Association of State and Provincial



1 Psychology Boards (ASPPB) that grants temporary authority to
2 practice based on notification to the state psychology regulatory
3 authority of the intention to practice temporarily, and verification of
4 one's qualifications for such practice.

5 R. "License" means authorization by a state psychology
6 regulatory authority to engage in the independent practice of
7 psychology, which would be unlawful without the authorization.

8 S. "Noncompact state" means any state which is not at the time
9 a compact state.

10 T. "Psychologist" means an individual licensed for the
11 independent practice of psychology.

12 U. "Psychology Interjurisdictional Compact Commission" or
13 "Commission" means the national administration of which all
14 compact states are members.

15 V. "Receiving state" means a compact state where the
16 client/patient is physically located when the telepsychological
17 services are delivered.

18 W. "Rule" means a written statement by the Psychology
19 Interjurisdictional Compact Commission promulgated pursuant to
20 Article XI that is of general applicability, implements, interprets or
21 prescribes a policy or provision of the Compact, or an
22 organizational, procedural or practice requirement of the
23 Commission and has the force and effect of statutory law in a
24 compact state, and includes the amendment, repeal or suspension of
25 an existing rule.

26 X. "Significant investigatory information" means:

27 1. Investigative information that a state psychology
28 regulatory authority, after a preliminary inquiry that includes
29 notification and an opportunity to respond if required by state law,
30 has reason to believe, if proven true, would indicate more than a
31 violation of state statute or ethics code that would be considered
32 more substantial than a minor infraction; or

33 2. Investigative information that indicates that the
34 psychologist represents an immediate threat to the public health and
35 safety, regardless of whether the psychologist has been notified or
36 had an opportunity to respond.

37 Y. "State" means a state, commonwealth, territory or
38 possession of the United States or the District of Columbia.

39 Z. "State psychology regulatory authority" means the board,
40 office or other agency with the legislative mandate to license and
41 regulate the practice of psychology.

42 AA. "Telepsychology" means the provision of psychological
43 services using telecommunication technologies.

44 BB. "Temporary authorization to practice" means a licensed
45 psychologist's authority to conduct temporary in-person, face-to-



1 face practice, within the limits authorized under this Compact, in
2 another compact state.

3 CC. "Temporary in-person, face-to-face practice" means where
4 a psychologist is physically present, not through using
5 telecommunications technologies, in the distant state to provide for
6 the practice of psychology for 30 days within a calendar year and
7 based on notification to the distant state.

8
9 ARTICLE III.

10 HOME STATE LICENSURE

11
12
13 A. The home state shall be a compact state where a
14 psychologist is licensed to practice psychology.

15 B. A psychologist may hold one or more compact state licenses
16 at a time. If the psychologist is licensed in more than one compact
17 state, the home state is the compact state where the psychologist was
18 physically present when the services were delivered as authorized
19 by the authority to practice interjurisdictional telepsychology under
20 the terms of this Compact.

21 C. Any compact state may require a psychologist not
22 previously licensed in a compact state to obtain and retain a license
23 to be authorized to practice in the compact state under
24 circumstances not authorized by the authority to practice
25 interjurisdictional telepsychology under the terms of this Compact.

26 D. Any compact state may require a psychologist to obtain and
27 retain a license to be authorized to practice in a compact state under
28 circumstances not authorized by the temporary authorization to
29 practice under the terms of this Compact.

30 E. A home state's license authorizes a psychologist to practice
31 in a receiving state under the authority to practice interjurisdictional
32 telepsychology only if the compact state:

33 1. Currently requires the psychologist to hold an active
34 E.Passport;

35 2. Has a mechanism in place for receiving and investigating
36 complaints about licensed individuals;

37 3. Notifies the Commission, in compliance with the terms
38 herein, of any adverse action or significant investigatory information
39 regarding a licensed individual;

40 4. Requires an identity history summary of all applicants at
41 initial licensure, including the use of the results of fingerprints or
42 other biometric data checks compliant with the requirements of the
43 Federal Bureau of Investigation, or other designee with similar
44 authority, not later than 10 years after activation of the Compact;
45 and



- 1 5. Complies with the bylaws and rules of the Commission.
- 2 F. A home state's license grants temporary authorization to
- 3 practice to a psychologist in a distant state only if the compact state:
- 4 1. Currently requires the psychologist to hold an active IPC;
- 5 2. Has a mechanism in place for receiving and investigating
- 6 complaints about licensed individuals;
- 7 3. Notifies the Commission, in compliance with the terms
- 8 herein, of any adverse action or significant investigatory information
- 9 regarding a licensed individual;
- 10 4. Requires an identity history summary of all applicants at
- 11 initial licensure, including the use of the results of fingerprints or
- 12 other biometric data checks compliant with the requirements of the
- 13 Federal Bureau of Investigation, or other designee with similar
- 14 authority, not later than 10 years after activation of the Compact;
- 15 and
- 16 5. Complies with the bylaws and rules of the Commission.
- 17

18 ARTICLE IV.

19 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

20 A. Compact states shall recognize the right of a psychologist,

21 licensed in a compact state in conformance with Article III, to

22 practice telepsychology in other compact states (receiving states) in

23 which the psychologist is not licensed, under the authority to

24 practice interjurisdictional telepsychology as provided in the

25 Compact.

26

27

28 B. To exercise the authority to practice interjurisdictional

29 telepsychology under the terms and provisions of this Compact, a

30 psychologist licensed to practice in a compact state must:

31 1. Hold a graduate degree in psychology from an institute of

32 higher education that was, at the time the degree was awarded:

33 a. Regionally accredited by an accrediting body

34 recognized by the United States Department of Education to grant

35 graduate degrees or authorized by provincial statute or royal charter

36 to grant doctoral degrees; or

37 b. A foreign college or university deemed to be equivalent

38 to 1(a) above by a foreign credential evaluation service that is a

39 member of the National Association of Credential Evaluation

40 Services (NACES) or by a recognized foreign credential evaluation

41 service; and

42 2. Hold a graduate degree in psychology that meets the

43 following criteria:

44 a. The program, wherever it may be administratively

45 housed, must be clearly identified and labeled as a psychology



1 program and such a program must specify in pertinent institutional
2 catalogues and brochures its intent to educate and train professional
3 psychologists;

4 b. The psychology program must stand as a recognizable,
5 coherent organizational entity within the institution;

6 c. There must be a clear authority and primary
7 responsibility for the core and specialty areas whether or not the
8 program cuts across administrative lines;

9 d. The program must consist of an integrated, organized
10 sequence of study;

11 e. There must be an identifiable psychology faculty
12 sufficient in size and breadth to carry out its responsibilities;

13 f. The designated director of the program must be a
14 psychologist and a member of the core faculty;

15 g. The program must have an identifiable body of
16 students who are matriculated in that program for a degree;

17 h. The program must include supervised practicum,
18 internship or field training appropriate to the practice of psychology;

19 i. The curriculum shall encompass a minimum of 3
20 academic years of full-time graduate study for doctoral degrees and
21 a minimum of 1 academic year of full-time graduate study for
22 master's degrees; and

23 j. The program must include an acceptable residency as
24 defined by the rules of the Commission;

25 3. Possess a current, full and unrestricted license to practice
26 psychology in a home state which is a compact state;

27 4. Have no history of adverse action that violates the rules
28 of the Commission;

29 5. Have no criminal record history reported on an identity
30 history summary that violates the rules of the Commission;

31 6. Possess a current, active E.Passport;

32 7. Provide attestations in regard to areas of intended
33 practice, conformity with standards of practice, competence in
34 telepsychology technology, criminal background and knowledge
35 and adherence to legal requirements in the home and receiving
36 states, and provide a release of information to allow for primary
37 source verification in a manner specified by the Commission; and

38 8. Meet other criteria as defined by the rules of the
39 Commission.

40 C. The home state maintains authority over the license of any
41 psychologist practicing into a receiving state under the authority to
42 practice interjurisdictional telepsychology.

43 D. A psychologist practicing into a receiving state under the
44 authority to practice interjurisdictional telepsychology will be
45 subject to the receiving state's scope of practice. A receiving state



1 may, in accordance with that state's due process law, limit or revoke
2 a psychologist's authority to practice interjurisdictional
3 telepsychology in the receiving state and may take any other
4 necessary actions under the receiving state's applicable law to
5 protect the health and safety of the receiving state's citizens. If a
6 receiving state takes action, the state shall promptly notify the home
7 state and the Commission.

8 E. If a psychologist's license in any home state or another
9 compact state or any authority to practice interjurisdictional
10 telepsychology in any receiving state is restricted, suspended or
11 otherwise limited, the E.Passport shall be revoked and therefore the
12 psychologist shall not be eligible to practice telepsychology in a
13 compact state under the authority to practice interjurisdictional
14 telepsychology.

15
16 ARTICLE V.
17

18 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE
19

20 A. Compact states shall also recognize the right of a
21 psychologist, licensed in a compact state in conformance with
22 Article III, to practice temporarily in other compact states (distant
23 states) in which the psychologist is not licensed, as provided in the
24 Compact.

25 B. To exercise the temporary authorization to practice under
26 the terms and provisions of this Compact, a psychologist licensed to
27 practice in a compact state must:

28 1. Hold a graduate degree in psychology from an institute of
29 higher education that was, at the time the degree was awarded:

30 a. Regionally accredited by an accrediting body
31 recognized by the United States Department of Education to grant
32 graduate degrees or authorized by provincial statute or royal charter
33 to grant doctoral degrees; or

34 b. A foreign college or university deemed to be equivalent
35 to 1(a) above by a foreign credential evaluation service that is a
36 member of the National Association of Credential Evaluation
37 Services (NACES) or by a recognized foreign credential evaluation
38 service; and

39 2. Hold a graduate degree in psychology that meets the
40 following criteria:

41 a. The program, wherever it may be administratively
42 housed, must be clearly identified and labeled as a psychology
43 program and must specify in pertinent institutional catalogues and
44 brochures its intent to educate and train professional psychologists;



1 b. The psychology program must stand as a recognizable,
2 coherent organizational entity within the institution;

3 c. There must be a clear authority and primary
4 responsibility for the core and specialty areas whether or not the
5 program cuts across administrative lines;

6 d. The program must consist of an integrated, organized
7 sequence of study;

8 e. There must be an identifiable psychology faculty
9 sufficient in size and breadth to carry out its responsibilities;

10 f. The designated director of the program must be a
11 psychologist and a member of the core faculty;

12 g. The program must have an identifiable body of
13 students who are matriculated in that program for a degree;

14 h. The program must include supervised practicum,
15 internship or field training appropriate to the practice of psychology;

16 i. The curriculum shall encompass a minimum of 3
17 academic years of full-time graduate study for doctoral degrees and
18 a minimum of 1 academic year of full-time graduate study for
19 master's degrees; and

20 j. The program must include an acceptable residency as
21 defined by the rules of the Commission;

22 3. Possess a current, full and unrestricted license to practice
23 psychology in a home state which is a compact state;

24 4. No history of adverse action that violates the rules of the
25 Commission;

26 5. No criminal record history that violates the rules of the
27 Commission;

28 6. Possess a current, active IPC;

29 7. Provide attestations in regard to areas of intended
30 practice and work experience and provide a release of information
31 to allow for primary source verification in a manner specified by the
32 Commission; and

33 8. Meet other criteria as defined by the rules of the
34 Commission.

35 C. A psychologist practicing into a distant state under the
36 temporary authorization to practice shall practice within the scope of
37 practice authorized by the distant state.

38 D. A psychologist practicing into a distant state under the
39 Temporary Authorization to Practice will be subject to the distant
40 state's authority and law. A distant state may, in accordance with
41 that state's due process law, limit or revoke a psychologist's
42 temporary authorization to practice in the distant state and may take
43 any other necessary actions under the distant state's applicable law
44 to protect the health and safety of the distant state's citizens. If a



1 distant state takes action, the state shall promptly notify the home
2 state and the Commission.

3 E. If a psychologist's license in any home state or another
4 compact state or any temporary authorization to practice in any
5 distant state is restricted, suspended or otherwise limited, the IPC
6 shall be revoked and therefore the psychologist shall not be eligible
7 to practice in a compact state under the temporary authorization to
8 practice.

9
10 ARTICLE VI.

11
12 CONDITIONS OF TELEPSYCHOLOGY PRACTICE
13 IN A RECEIVING STATE
14

15 A psychologist may practice in a receiving state under the
16 authority to practice interjurisdictional telepsychology only in the
17 performance of the scope of practice for psychology as assigned by
18 an appropriate state psychology regulatory authority, as defined in
19 the rules of the Commission, and under the following
20 circumstances:

21 A. The psychologist initiates a client/patient contact in a home
22 state via telecommunications technologies with a client/patient in a
23 receiving state; or

24 B. Other conditions regarding telepsychology as determined by
25 rules promulgated by the Commission.

26
27 ARTICLE VII.

28
29 ADVERSE ACTIONS
30

31 A. A home state shall have the power to impose adverse action
32 against a psychologist's license issued by the home state and a
33 distant state may take adverse action on a psychologist's temporary
34 authorization to practice within that distant state.

35 B. A receiving state may take adverse action on a
36 psychologist's authority to practice interjurisdictional
37 telepsychology within that receiving state. A home state may take
38 adverse action against a psychologist based on an adverse action
39 taken by a distant state regarding temporary in-person, face-to-face
40 practice.

41 C. If a home state takes adverse action against a psychologist's
42 license, that psychologist's authority to practice interjurisdictional
43 telepsychology is terminated and the E.Passport is revoked.
44 Furthermore, that psychologist's temporary authorization to practice
45 is terminated and the IPC is revoked.



1 1. All home state disciplinary orders which impose adverse
2 action shall be reported to the Commission in accordance with the
3 rules promulgated by the Commission. A compact state shall report
4 adverse actions in accordance with the rules of the Commission.

5 2. In the event discipline is reported on a psychologist, the
6 psychologist will not be eligible for telepsychology or temporary in-
7 person, face-to-face practice in accordance with the rules of the
8 Commission.

9 3. Other actions may be imposed as determined by the rules
10 promulgated by the Commission.

11 D. A home state's psychology regulatory authority shall
12 investigate and take appropriate action with respect to reported
13 inappropriate conduct engaged in by a licensee which occurred in a
14 receiving state as it would if such conduct had occurred by a
15 licensee within the home state. In such cases, the home state's law
16 shall control in determining any adverse action against a
17 psychologist's license.

18 E. If a license granted by a compact state is revoked,
19 surrendered in lieu of discipline or suspended following an
20 investigation authorized in Article VIII, the authorization to practice
21 interjurisdictional telepsychology and the temporary authorization to
22 practice in all compact states shall be terminated upon entry of the
23 final order in the compact state taking the action.

24 F. Nothing in this Compact shall override a compact state's
25 decision that a psychologist's participation in an alternative program
26 may be used in lieu of adverse action and that such participation
27 shall remain nonpublic if required by the compact state's law.
28 Compact states must require psychologists who enter any alternative
29 programs to not provide telepsychology services under the authority
30 to practice interjurisdictional telepsychology or provide temporary
31 psychological services under the temporary authorization to practice
32 in any other compact state during the term of the alternative
33 program.

34 G. No other judicial or administrative remedies shall be
35 available to a psychologist in the event a compact state imposes an
36 adverse action pursuant to section C, above.

37
38 ARTICLE VIII.

39
40 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT
41 STATE'S PSYCHOLOGY REGULATORY AUTHORITY
42

43 A. In addition to any other powers granted under state law, a
44 compact state's psychology regulatory authority shall have the
45 authority under this Compact to:



1 1. Issue subpoenas, for both hearings and investigations,
2 which require the attendance and testimony of witnesses and the
3 production of evidence. Subpoenas issued by a compact state's
4 psychology regulatory authority for the attendance and testimony of
5 witnesses and/or the production of evidence from another compact
6 state shall be enforced in the latter state by any court of competent
7 jurisdiction, according to that court's practice and procedure in
8 considering subpoenas issued in its own proceedings. The issuing
9 state psychology regulatory authority shall pay any witness fees,
10 travel expenses, mileage and other fees required by the service
11 statutes of the state where the witnesses or evidence are located; and

12 2. Issue cease and desist and/or injunctive relief orders to
13 revoke a psychologist's authority to practice interjurisdictional
14 telepsychology and/or temporary authorization to practice.

15 B. During the course of any investigation, a psychologist may
16 not change his or her home state licensure. A home state psychology
17 regulatory authority is authorized to complete any pending
18 investigations of a psychologist and to take any actions appropriate
19 under its law. The home state psychology regulatory authority shall
20 promptly report the conclusions of such investigations to the
21 Commission. Once an investigation has been completed, and
22 pending the outcome of said investigation, the psychologist may
23 change his or her home state licensure. The Commission shall
24 promptly notify the new home state of any such decisions as
25 provided in the rules of the Commission. All information provided
26 to the Commission or distributed by compact states pursuant to the
27 psychologist shall be confidential, filed under seal and used for
28 investigatory or disciplinary matters. The Commission may create
29 additional rules for mandated or discretionary sharing of
30 information by compact states.

31
32 ARTICLE IX.

33
34 COORDINATED LICENSURE INFORMATION SYSTEM

35
36 A. The Commission shall provide for the development and
37 maintenance of a Coordinated Licensure Information System
38 (Coordinated Database) and reporting system containing licensure
39 and disciplinary action information on all psychologists individuals
40 to whom this Compact is applicable in all compact states as defined
41 by the rules of the Commission.

42 B. Notwithstanding any other provision of state law to the
43 contrary, *and except as otherwise provided in this Article*, a
44 compact state shall submit a uniform data set to the Coordinated



1 Database on all licensees as required by the rules of the
2 Commission, including:

- 3 1. Identifying information;
- 4 2. Licensure data;
- 5 3. Significant investigatory information;
- 6 4. Adverse actions against a psychologist's license;
- 7 5. An indicator that a psychologist's authority to practice
8 interjurisdictional telepsychology or temporary authorization to
9 practice is revoked;
- 10 6. Nonconfidential information related to alternative
11 program participation information;
- 12 7. Any denial of application for licensure, and the reasons
13 for such denial; and
- 14 8. Other information which may facilitate the
15 administration of this Compact, as determined by the rules of the
16 Commission.

17 C. The Coordinated Database administrator shall promptly
18 notify all compact states of any adverse action taken against, or
19 significant investigative information on, any licensee in a compact
20 state.

21 D. *A compact state shall not submit to the Coordinated
22 Database any information concerning the criminal history of a
23 licensee that is obtained from a report received from the Central
24 Repository for Nevada Records of Criminal History or the Federal
25 Bureau of Investigation.*

26 E. Compact states reporting information to the Coordinated
27 Database may designate information that may not be shared with the
28 public without the express permission of the compact state reporting
29 the information.

30 ~~E.~~ F. Any information submitted to the Coordinated
31 Database that is subsequently required to be expunged by the law of
32 the compact state reporting the information shall be removed from
33 the Coordinated Database.

34
35 ARTICLE X.

36
37 ESTABLISHMENT OF THE PSYCHOLOGY
38 INTERJURISDICTIONAL COMPACT COMMISSION

39
40 A. The compact states hereby create and establish a joint public
41 agency known as the Psychology Interjurisdictional Compact
42 Commission as follows:

- 43 1. The Commission is a body politic and an instrumentality
44 of the compact states.



1 2. Venue is proper and judicial proceedings by or against
2 the Commission shall be brought solely and exclusively in a court of
3 competent jurisdiction where the principal office of the Commission
4 is located. The Commission may waive venue and jurisdictional
5 defenses to the extent it adopts or consents to participate in
6 alternative dispute resolution proceedings.

7 3. Nothing in this Compact shall be construed to be a
8 waiver of sovereign immunity.

9 B. Membership, Voting and Meetings.

10 1. The Commission shall consist of one voting
11 representative appointed by each compact state who shall serve as
12 that state's Commissioner. The state psychology regulatory
13 authority shall appoint its delegate. This delegate shall be
14 empowered to act on behalf of the compact state. This delegate shall
15 be limited to:

16 a. An executive director, executive secretary or similar
17 executive;

18 b. A current member of the state psychology regulatory
19 authority of a compact state; or

20 c. A designee empowered with the appropriate delegate
21 authority to act on behalf of the compact state.

22 2. Any Commissioner may be removed or suspended from
23 office as provided by the law of the state from which the
24 Commissioner is appointed. Any vacancy occurring in the
25 Commission shall be filled in accordance with the laws of
26 the compact state in which the vacancy exists.

27 3. Each Commissioner shall be entitled to one (1) vote with
28 regard to the promulgation of rules and creation of bylaws and shall
29 otherwise have an opportunity to participate in the business and
30 affairs of the Commission. A Commissioner shall vote in person or
31 by such other means as provided in the bylaws. The bylaws may
32 provide for Commissioners' participation in meetings by telephone
33 or other means of communication.

34 4. The Commission shall meet at least once during each
35 calendar year. Additional meetings shall be held as set forth in the
36 bylaws.

37 5. All meetings shall be open to the public, and public
38 notice of meetings shall be given in the same manner as required
39 under the rulemaking provisions in Article XI.

40 6. The Commission may convene in a closed, nonpublic
41 meeting if the Commission must discuss:

42 a. Noncompliance of a compact state with its obligations
43 under the Compact;

44 b. The employment, compensation, discipline or other
45 personnel matters, practices or procedures related to specific



1 employees or other matters related to the Commission's internal
2 personnel practices and procedures;

3 c. Current, threatened or reasonable anticipated litigation
4 against the Commission;

5 d. Negotiation of contracts for the purchase or sale of
6 goods, services or real estate;

7 e. Accusation against any person of a crime or formally
8 censuring any person;

9 f. Disclosure of trade secrets or commercial or financial
10 information which is privileged or confidential;

11 g. Disclosure of information of a personal nature where
12 disclosure would constitute a clearly unwarranted invasion of
13 personal privacy;

14 h. ~~Disclosure of investigatory records compiled for law
15 enforcement purposes;~~

16 ~~— i.]~~ Disclosure of information related to any investigatory
17 reports prepared by or on behalf of or for use of the Commission or
18 other committee charged with responsibility for investigation or
19 determination of compliance issues pursuant to the Compact; or

20 ~~h.] i.~~ Matters specifically exempted from disclosure by
21 federal and state statute.

22 7. If a meeting, or portion of a meeting, is closed pursuant
23 to this provision, the Commission's legal counsel or designee shall
24 certify that the meeting may be closed and shall reference each
25 relevant exempting provision. The Commission shall keep minutes
26 which fully and clearly describe all matters discussed in a meeting
27 and shall provide a full and accurate summary of actions taken, of
28 any person participating in the meeting, and the reasons therefor,
29 including a description of the views expressed. All documents
30 considered in connection with an action shall be identified in such
31 minutes. All minutes and documents of a closed meeting shall
32 remain under seal, subject to release only by a majority vote of the
33 Commission or order of a court of competent jurisdiction.

34 C. The Commission shall, by a majority vote of the
35 Commissioners, prescribe bylaws and rules to govern its conduct as
36 may be necessary or appropriate to carry out the purposes and
37 exercise the powers of the Compact, including, but not limited to:

38 1. Establishing the fiscal year of the Commission.

39 2. Providing reasonable standards and procedures:

40 a. For the establishment and meetings of other
41 committees; and

42 b. Governing any general or specific delegation of any
43 authority or function of the Commission.

44 3. Providing reasonable procedures for calling and
45 conducting meetings of the Commission, ensuring reasonable



1 advance notice of all meetings and providing an opportunity for
2 attendance of such meetings by interested parties, with enumerated
3 exceptions designed to protect the public's interest, the privacy of
4 individuals of such proceedings and proprietary information,
5 including trade secrets. The Commission may meet in closed session
6 only after a majority of the Commissioners vote to close a meeting
7 to the public in whole or in part. As soon as practicable, the
8 Commission must make public a copy of the vote to close the
9 meeting revealing the vote of each Commissioner with no proxy
10 votes allowed.

11 4. Establishing the titles, duties and authority and
12 reasonable procedures for the election of the officers of the
13 Commission.

14 5. Providing reasonable standards and procedures for the
15 establishment of the personnel policies and programs of the
16 Commission. Notwithstanding any civil service or other similar law
17 of any compact state, the bylaws shall exclusively govern the
18 personnel policies and programs of the Commission.

19 6. Promulgating a code of ethics to address permissible and
20 prohibited activities of Commission members and employees.

21 7. Providing a mechanism for concluding the operations of
22 the Commission and the equitable disposition of any surplus funds
23 that may exist after the termination of the Compact after the
24 payment and reserving of all of its debts and obligations.

25 8. The Commission shall publish its bylaws in a convenient
26 form and file a copy thereof and a copy of any amendment thereto,
27 with the appropriate agency or officer in each of the compact states.

28 9. The Commission shall maintain its financial records in
29 accordance with the bylaws.

30 10. The Commission shall meet and take such actions as are
31 consistent with the provisions of this Compact and the bylaws.

32 D. The Commission shall have the following powers:

33 1. The authority to promulgate uniform rules to facilitate
34 and coordinate implementation and administration of this Compact
35 which shall have the force and effect of law and shall be binding in
36 all compact states;

37 2. To bring and prosecute legal proceedings or actions in
38 the name of the Commission, provided that the standing of any state
39 psychology regulatory authority or other regulatory body
40 responsible for psychology licensure to sue or be sued under
41 applicable law shall not be affected;

42 3. To purchase and maintain insurance and bonds;

43 4. To borrow, accept or contract for services of personnel,
44 including, but not limited to, employees of a compact state;



1 5. To hire employees, elect or appoint officers, fix
2 compensation, define duties, grant such individuals appropriate
3 authority to carry out the purposes of the Compact and to establish
4 the Commission's personnel policies and programs relating to
5 conflicts of interest, qualifications of personnel and other related
6 personnel matters;

7 6. To accept any and all appropriate donations and grants of
8 money, equipment, supplies, materials and services, and to receive,
9 utilize and dispose of the same, provided that at all times the
10 Commission shall strive to avoid any appearance of impropriety or
11 conflict of interest;

12 7. To lease, purchase, accept appropriate gifts or donations
13 of, or otherwise to own, hold, improve or use, any property, real,
14 personal or mixed, provided that at all times the Commission shall
15 strive to avoid any appearance of impropriety;

16 8. To sell, convey, mortgage, pledge, lease, exchange,
17 abandon or otherwise dispose of any property, real, personal or
18 mixed;

19 9. To establish a budget and make expenditures;

20 10. To borrow money;

21 11. To appoint committees, including advisory committees
22 comprised of members, state regulators, state legislators or their
23 representatives, and consumer representatives, and such other
24 interested persons as may be designated in this Compact and the
25 bylaws;

26 12. To provide and receive information from, and to
27 cooperate with, law enforcement agencies;

28 13. To adopt and use an official seal; and

29 14. To perform such other functions as may be necessary or
30 appropriate to achieve the purposes of this Compact consistent with
31 the state regulation of psychology licensure, temporary in-person,
32 face-to-face practice and telepsychology practice.

33 E. The Executive Board.

34 The elected officers shall serve as the Executive Board, which
35 shall have the power to act on behalf of the Commission according
36 to the terms of this Compact.

37 1. The Executive Board shall be comprised of six members:

38 a. Five voting members who are elected from the current
39 membership of the Commission by the Commission; and

40 b. One ex-officio, nonvoting member from the recognized
41 membership organization composed of state and provincial
42 psychology regulatory authorities.

43 2. The ex-officio member must have served as staff or
44 member on a state psychology regulatory authority and will be
45 selected by its respective organization.



1 3. The Commission may remove any member of the
2 Executive Board as provided in the bylaws.

3 4. The Executive Board shall meet at least annually.

4 5. The Executive Board shall have the following duties and
5 responsibilities:

6 a. Recommend to the entire Commission changes to the
7 rules or bylaws, changes to this Compact legislation, fees paid by
8 compact states, such as annual dues, and any other applicable fees;

9 b. Ensure compact administration services are
10 appropriately provided, contractual or otherwise;

11 c. Prepare and recommend the budget;

12 d. Maintain financial records on behalf of the
13 Commission;

14 e. Monitor compact compliance of member states and
15 provide compliance reports to the Commission;

16 f. Establish additional committees as necessary; and

17 g. Other duties as provided in the rules or bylaws.

18 F. Financing of the Commission.

19 1. The Commission shall pay, or provide for the payment of
20 the reasonable expenses of its establishment, organization and
21 ongoing activities.

22 2. The Commission may accept any and all appropriate
23 revenue sources, donations and grants of money, equipment,
24 supplies, materials and services.

25 3. The Commission may levy on and collect an annual
26 assessment from each compact state or impose fees on other parties
27 to cover the cost of the operations and activities of the Commission
28 and its staff which must be in a total amount sufficient to cover its
29 annual budget as approved each year for which revenue is not
30 provided by other sources. The aggregate annual assessment amount
31 shall be allocated based upon a formula to be determined by the
32 Commission which shall promulgate a rule binding upon all
33 compact states.

34 4. The Commission shall not incur obligations of any kind
35 before securing the funds adequate to meet the same, nor shall the
36 Commission pledge the credit of any of the compact states, except
37 by and with the authority of the compact state.

38 5. The Commission shall keep accurate accounts of all
39 receipts and disbursements. The receipts and disbursements of the
40 Commission shall be subject to the audit and accounting procedures
41 established under its bylaws. However, all receipts and
42 disbursements of funds handled by the Commission shall be audited
43 yearly by a certified or licensed public accountant and the report of
44 the audit shall be included in and become part of the annual report
45 of the Commission.



1 G. Qualified Immunity, Defense and Indemnification.

2 1. The members, officers, Executive Director, employees
3 and representatives of the Commission shall be immune from suit
4 and liability, either personally or in their official capacity, for any
5 claim for damage to or loss of property or personal injury or other
6 civil liability caused by or arising out of any actual or alleged act,
7 error or omission that occurred, or that the person against whom the
8 claim is made had a reasonable basis for believing occurred within
9 the scope of Commission employment, duties or responsibilities,
10 provided that nothing in this subsection shall be construed to protect
11 any such person from suit or liability for any damage, loss, injury or
12 liability caused by the intentional or willful or wanton misconduct
13 of that person.

14 2. The Commission shall defend any member, officer,
15 Executive Director, employee or representative of the Commission
16 in any civil action seeking to impose liability arising out of any
17 actual or alleged act, error or omission that occurred within the
18 scope of Commission employment, duties or responsibilities, or that
19 the person against whom the claim is made had a reasonable basis
20 for believing occurred within the scope of Commission
21 employment, duties or responsibilities, provided that nothing herein
22 shall be construed to prohibit that person from retaining his or her
23 own counsel, and provided further, that the actual or alleged act,
24 error or omission did not result from that person's intentional or
25 willful or wanton misconduct.

26 3. The Commission shall indemnify and hold harmless any
27 member, officer, Executive Director, employee or representative of
28 the Commission for the amount of any settlement or judgment
29 obtained against that person arising out of any actual or alleged act,
30 error or omission that occurred within the scope of commission
31 employment, duties or responsibilities, or that such person had a
32 reasonable basis for believing occurred within the scope of
33 commission employment, duties or responsibilities, provided that
34 the actual or alleged act, error or omission did not result from the
35 intentional or willful or wanton misconduct of that person.

36
37 ARTICLE XI.

38
39 RULEMAKING

40
41 A. The Commission shall exercise its rulemaking powers
42 pursuant to the criteria set forth in this Article and the rules adopted
43 thereunder. Rules and amendments shall become binding as of the
44 date specified in each rule or amendment.



1 B. If a majority of the legislatures of the compact states rejects
2 a rule, by enactment of a statute or resolution in the same manner
3 used to adopt the Compact, then such rule shall have no further
4 force and effect in any compact state.

5 C. Rules or amendments to the rules shall be adopted at a
6 regular or special meeting of the Commission.

7 D. Before promulgation and adoption of a final rule or rules by
8 the Commission, and at least sixty (60) days in advance of the
9 meeting at which the rule will be considered and voted upon, the
10 Commission shall file a notice of proposed rulemaking:

11 1. On the Internet website of the Commission; and

12 2. On the Internet website of the compact states'
13 psychology regulatory authority or the publication in which each
14 state would otherwise publish proposed rules.

15 E. The notice of proposed rulemaking shall include:

16 1. The proposed time, date and location of the meeting in
17 which the rule will be considered and voted upon;

18 2. The text of the proposed rule or amendment and the
19 reason for the proposed rule;

20 3. A request for comments on the proposed rule from any
21 interested person; and

22 4. The manner in which interested persons may submit
23 notice to the Commission of their intention to attend the public
24 hearing and any written comments.

25 F. Before adoption of a proposed rule, the Commission shall
26 allow persons to submit written data, facts, opinions and arguments,
27 which shall be made available to the public.

28 G. The Commission shall grant an opportunity for a public
29 hearing before it adopts a rule or amendment if a hearing is
30 requested by:

31 1. At least twenty-five (25) persons who submit comments
32 independently of each other;

33 2. A government subdivision or agency; or

34 3. A duly appointed person in an association that has at
35 least twenty-five (25) members.

36 H. If a hearing is held on the proposed rule or amendment, the
37 Commission shall publish the place, time and date of the scheduled
38 public hearing and:

39 1. All persons wishing to be heard at the hearing shall
40 notify the Executive Director of the Commission or other designated
41 member in writing of their desire to appear and testify at the hearing
42 not less than five (5) business days before the scheduled date of the
43 hearing.



1 2. Hearings shall be conducted in a manner providing each
2 person who wishes to comment a fair and reasonable opportunity to
3 comment orally or in writing.

4 3. No transcript of the hearing is required, unless a written
5 request for a transcript is made, in which case the person requesting
6 the transcript shall bear the cost of producing the transcript. A
7 recording may be made in lieu of a transcript under the same terms
8 and conditions as a transcript. This subsection shall not preclude the
9 Commission from making a transcript or recording of the hearing if
10 it so chooses.

11 4. Nothing in this section shall be construed as requiring a
12 separate hearing on each rule. Rules may be grouped for the
13 convenience of the Commission at hearings required by this section.

14 I. Following the scheduled hearing date, or by the close of
15 business on the scheduled hearing date if the hearing was not held,
16 the Commission shall consider all written and oral comments
17 received.

18 J. The Commission shall, by majority vote of all members, take
19 final action on the proposed rule and shall determine the effective
20 date of the rule, if any, based on the rulemaking record and the full
21 text of the rule.

22 K. If no written notice of intent to attend the public hearing by
23 interested parties is received, the Commission may proceed with
24 promulgation of the proposed rule without a public hearing.

25 L. Upon determination that an emergency exists, the
26 Commission may consider and adopt an emergency rule without
27 prior notice, opportunity for comment, or hearing, provided that the
28 usual rulemaking procedures provided in the Compact and in this
29 section shall be retroactively applied to the rule as soon as
30 reasonably possible, in no event later than ninety (90) days after the
31 effective date of the rule. For the purposes of this provision, an
32 emergency rule is one that must be adopted immediately in order to:

- 33 1. Meet an imminent threat to the public health, safety, or
34 welfare;
- 35 2. Prevent a loss of Commission or compact state funds;
- 36 3. Meet a deadline for the promulgation of an
37 administrative rule that is established by federal law or rule; or
- 38 4. Protect the public health and safety.

39 M. The Commission or an authorized committee of the
40 Commission may direct revisions to a previously adopted rule or
41 amendment for purposes of correcting typographical errors, errors in
42 format, errors in consistency, or grammatical errors. Public notice of
43 any revisions shall be posted on the Internet website of the
44 Commission. The revision shall be subject to challenge by any
45 person for a period of thirty (30) days after posting. The revision



1 may be challenged only on grounds that the revision results in a
2 material change to a rule. A challenge shall be made in writing, and
3 delivered to the Chair of the Commission before the end of the
4 notice period. If no challenge is made, the revision will take effect
5 without further action. If the revision is challenged, the revision may
6 not take effect without the approval of the Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight.

1. The executive, legislative and judicial branches of state
government in each compact state shall enforce this Compact and
take all actions necessary and appropriate to effectuate the
Compact's purposes and intent. The provisions of this Compact and
the rules promulgated hereunder shall have standing as statutory
law.

2. All courts shall take judicial notice of the Compact and
the rules in any judicial or administrative proceeding in a compact
state pertaining to the subject matter of this Compact which may
affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of
process in any such proceeding, and shall have standing to intervene
in such a proceeding for all purposes. Failure to provide service of
process to the Commission shall render a judgment or order void as
to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance and Termination.

1. If the Commission determines that a compact state has
defaulted in the performance of its obligations or responsibilities
under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other
compact states of the nature of the default, the proposed means of
remediating the default and any other action to be taken by the
Commission; and

b. Provide remedial training and specific technical
assistance regarding the default.

2. If a state in default fails to remedy the default, the
defaulting state may be terminated from the Compact upon an
affirmative vote of the majority of the compact states, and all rights,
privileges and benefits conferred by this Compact shall be
terminated on the effective date of termination. A remedy of the
default does not relieve the offending state of obligations or
liabilities incurred during the period of default.



1 3. Termination of membership in the Compact shall be
2 imposed only after all other means of securing compliance have
3 been exhausted. Notice of intent to suspend or terminate shall be
4 submitted by the Commission to the Governor, the majority and
5 minority leaders of the defaulting state's legislature, and each of the
6 compact states.

7 4. A compact state which has been terminated is responsible
8 for all assessments, obligations and liabilities incurred through the
9 effective date of termination, including obligations which extend
10 beyond the effective date of termination.

11 5. The Commission shall not bear any costs incurred by the
12 state which is found to be in default or which has been terminated
13 from the Compact, unless agreed upon in writing between the
14 Commission and the defaulting state.

15 6. The defaulting state may appeal the action of the
16 Commission by petitioning the United States District Court for the
17 State of Georgia or the federal district where the Compact has its
18 principal offices. The prevailing member shall be awarded all costs
19 of such litigation, including reasonable attorney's fees.

20 C. Dispute Resolution.

21 1. Upon request by a compact state, the Commission shall
22 attempt to resolve disputes related to the Compact which arise
23 among compact states and between compact and noncompact states.

24 2. The Commission shall promulgate a rule providing for
25 both mediation and binding dispute resolution for disputes that arise
26 before the Commission.

27 D. Enforcement.

28 1. The Commission, in the reasonable exercise of its
29 discretion, shall enforce the provisions and rules of this Compact.

30 2. By majority vote, the Commission may initiate legal
31 action in the United States District Court for the State of Georgia or
32 the federal district where the Compact has its principal offices
33 against a compact state in default to enforce compliance with the
34 provisions of the Compact and its promulgated rules and bylaws.
35 The relief sought may include both injunctive relief and damages. In
36 the event judicial enforcement is necessary, the prevailing member
37 shall be awarded all costs of such litigation, including reasonable
38 attorney's fees.

39 3. The remedies herein shall not be the exclusive remedies
40 of the Commission. The Commission may pursue any other
41 remedies available under federal or state law.

42
43 ARTICLE XIII.
44



1 DATE OF IMPLEMENTATION OF PSYCHOLOGY INTERJURISDICTIONAL
2 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL
3 AND AMENDMENT
4

5 A. The Compact shall come into effect on the date on which
6 the Compact is enacted into law in the seventh compact state. The
7 provisions which become effective at that time shall be limited to
8 the powers granted to the Commission relating to assembly and the
9 promulgation of rules. Thereafter, the Commission shall meet and
10 exercise rulemaking powers necessary to the implementation and
11 administration of the Compact.

12 B. Any state which joins the Compact subsequent to the
13 Commission's initial adoption of the rules shall be subject to the
14 rules as they exist on the date on which the Compact becomes law in
15 that state. Any rule which has been previously adopted by the
16 Commission shall have the full force and effect of law on the day
17 the Compact becomes law in that state.

18 C. Any compact state may withdraw from this Compact by
19 enacting a statute repealing the same, and:

20 1. A compact state's withdrawal shall not take effect until
21 six (6) months after enactment of the repealing statute.

22 2. Withdrawal shall not affect the continuing requirement of
23 the withdrawing state's psychology regulatory authority to comply
24 with the investigative and adverse action reporting requirements of
25 this act prior to the effective date of withdrawal.

26 D. Nothing contained in this Compact shall be construed to
27 invalidate or prevent any psychology licensure agreement or other
28 cooperative arrangement between a compact state and a noncompact
29 state which does not conflict with the provisions of this Compact.

30 E. This Compact may be amended by the compact states. No
31 amendment to this Compact shall become effective and binding
32 upon any compact state until it is enacted into the law of all compact
33 states.

34
35 ARTICLE XIV.

36
37 CONSTRUCTION AND SEVERABILITY

38
39 This Compact shall be liberally construed so as to effectuate the
40 purposes thereof. If this Compact shall be held contrary to the
41 constitution of any state member thereto, the Compact shall remain
42 in full force and effect as to the remaining compact states.



1 **Sec. 61.** Chapter 641A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *In addition to any other requirements set forth in this chapter,*
4 *an applicant for a license to practice as a marriage and family*
5 *therapist or clinical professional counselor, a license by*
6 *endorsement to practice as a marriage and family therapist or*
7 *clinical professional counselor, a license as a marriage and family*
8 *therapist intern or a license as a clinical professional counselor*
9 *intern that is issued pursuant to this chapter shall submit to the*
10 *Board a complete set of fingerprints and written permission*
11 *authorizing the Board to forward those fingerprints to the Central*
12 *Repository for Nevada Records of Criminal History for its report*
13 *on the criminal history of the applicant and for submission to the*
14 *Federal Bureau of Investigation for its report on the criminal*
15 *history of the applicant.*

16 **Sec. 62.** (Deleted by amendment.)

17 **Sec. 63.** (Deleted by amendment.)

18 **Sec. 64.** (Deleted by amendment.)

19 **Sec. 65.** NRS 642.511 is hereby amended to read as follows:

20 642.511 ~~[An]~~ *In addition to any other requirements set forth*
21 *in this chapter, an applicant for ~~[any]~~ a license ~~[-, permit or]~~ to*
22 *practice the profession of embalming, a certificate of registration*
23 *to serve as a registered apprentice to a licensed embalmer, a*
24 *funeral director's license, a license as a funeral arranger, a permit*
25 *to operate a funeral establishment or a permit to operate a direct*
26 *cremation facility that is issued ~~[by the Board must]~~ pursuant to*
27 *this chapter shall submit ~~[as part of his or her application]~~ to the*
28 *Board a complete set of fingerprints and written permission*
29 *authorizing the Board to forward ~~[the]~~ those fingerprints to the*
30 *Central Repository for Nevada Records of Criminal History for its*
31 *report on the criminal history of the applicant and for submission*
32 *to the Federal Bureau of Investigation for its report ~~[-]~~ on the*
33 *criminal history of the applicant.*

34 **Sec. 66.** (Deleted by amendment.)

35 **Sec. 67.** (Deleted by amendment.)

36 **Sec. 68.** (Deleted by amendment.)

37 **Sec. 69.** (Deleted by amendment.)

38 **Sec. 70.** (Deleted by amendment.)

39 **Sec. 71.** (Deleted by amendment.)

40 **Sec. 72.** (Deleted by amendment.)

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

42 **Sec. 74.** (Deleted by amendment.)

43 **Sec. 75.** (Deleted by amendment.)

44 **Sec. 76.** (Deleted by amendment.)

45 **Sec. 77.** (Deleted by amendment.)



1 **Sec. 78.** (Deleted by amendment.)

2 **Sec. 79.** (Deleted by amendment.)

3 **Sec. 80.** Chapter 678A of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 81 to 84, inclusive, of this
5 act.

6 **Sec. 81.** *“Board member” means a natural person who is*
7 *proposed to sit on the board of a proposed cannabis establishment*
8 *and who may or may not be an owner of the cannabis*
9 *establishment.*

10 **Sec. 82.** *“Officer” means a natural person who:*

11 1. *Is proposed to hold the title of, or be designated by a*
12 *proposed cannabis establishment as, a president, vice president,*
13 *secretary, treasurer, manager, chief executive officer, chief*
14 *operating officer or chief financial officer of the cannabis*
15 *establishment; and*

16 2. *May or may not be an owner of the proposed cannabis*
17 *establishment.*

18 **Sec. 83.** *“Owner” means a natural person who is the holder*
19 *of any ownership interest in a proposed cannabis establishment.*

20 **Sec. 84.** *“Ownership interest” has the meaning ascribed to*
21 *“owner’s interest” in NRS 92A.080.*

22 **Sec. 85.** NRS 678A.010 is hereby amended to read as follows:

23 678A.010 As used in this title, unless the context otherwise
24 requires, the words and terms defined in NRS 678A.020 to
25 678A.240, inclusive, *and sections 81 to 84, inclusive, of this act*
26 have the meanings ascribed to them in those sections.

27 **Sec. 86.** (Deleted by amendment.)

28 **Sec. 87.** (Deleted by amendment.)

29 **Sec. 88.** (Deleted by amendment.)

30 **Sec. 89.** NRS 394.157 and 644A.465 are hereby repealed.

31 **Sec. 90.** Notwithstanding the provisions of NRS 218D.430 and
32 218D.435, a committee may vote on this act before the expiration of
33 the period prescribed for the return of a fiscal note in NRS
34 218D.475. This section applies retroactively from and after May 10,
35 2023.

36 **Sec. 91.** This act becomes effective upon passage and
37 approval.

TEXT OF REPEALED SECTIONS

394.157 Conditions under which volunteer not required to submit fingerprints.



1. A volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if:

(a) The volunteer submits a statement from an entity described in this subsection that is acceptable to the administrator or other sufficient evidence to the administrator of the private school or the administrator otherwise determines that, within a time period deemed acceptable by the administrator, another entity determined the volunteer to be eligible for employment or licensure or to serve as a volunteer;

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation includes the submission of fingerprints to the Federal Bureau of Investigation; and

(c) The administrator accepts the investigation. An administrator may, in his or her discretion, accept or reject an investigation described in this section for any reason.

2. In addition to the exceptions described in subsection 1, a volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

644A.465 Reduction of duplication in licensing and registration procedure for applicant who also applies to local governmental entity to practice massage therapy, reflexology or structural integration.

1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing or registration procedure for a qualified applicant who is applying to the Board for a license or certificate of registration to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, reflexology or structural integration, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration and, not later than 60 days after that application, the applicant also submits an application to the



Board for a license or certificate of registration to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license or certificate of registration to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license or certificate of registration to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, reflexology or structural integration, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

