
ASSEMBLY BILL NO. 328—ASSEMBLYMEN PICKARD, BUSTAMANTE
ADAMS; BILBRAY-AXELROD, EDWARDS, KRAMER,
MARCHANT, SPRINKLE AND TITUS

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to professional licensing
boards. (BDR 54-157)

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 professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally imposes certain requirements on regulatory bodies that
2 regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill
3 prohibits an attorney from being employed as legal counsel by more than one
4 regulatory body. **Section 2** further requires an attorney who contracts with a
5 regulatory body to act as legal counsel as an independent contractor to carry a
6 policy of professional liability insurance that names the State as an additional
7 insured in the insurance policy. **Section 30** of this bill extends the sovereign
8 immunity of the State to an attorney who contracts with a regulatory body to act as



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9 legal counsel. **Section 4** of this bill prohibits a person from being employed as an
10 executive director or executive secretary by more than one regulatory body and
11 requires a person employed by a regulatory body as an executive director or
12 executive secretary to be a resident of this State. **Section 3** of this bill requires the
13 Department of Administration to adopt regulations that establish standards for the
14 financial operation and administration of regulatory bodies. The regulations
15 adopted pursuant to **section 3** must require each regulatory body to provide for an
16 annual audit of the accounts and records of the regulatory body.

17 Existing law requires regulatory bodies to comply with certain administrative
18 procedures governing the disciplinary process for licensees. (Chapter 622A of
19 NRS) Existing law also provides an exemption for certain regulatory bodies from
20 having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8**
21 of this bill removes the exemption for regulatory bodies that issue professional
22 licenses and are not under the direct supervision of a department of the Executive
23 Branch of State Government. **Section 6** of this bill requires the Attorney General or a
24 deputy attorney general to prosecute any contested case before a regulatory body,
25 unless the Attorney General and the deputies of the Attorney General are either
26 disqualified from serving as prosecutor or lack the necessary expertise to prosecute
27 a specific contested case. **Section 7** of this bill prohibits an attorney who is
28 employed as legal counsel to a regulatory body from prosecuting a contested case
29 before the regulatory body at any time while employed or retained by the regulatory
30 body. **Section 7** further provides that this prohibition is in effect until all contested
31 cases that were before the regulatory body while the attorney was employed by the
32 regulatory body have reached a final disposition. **Section 10** of this bill provides
33 immunity from civil liability for persons who contract with regulatory bodies as
34 independent contractors and who participate in the disciplinary process of a
35 regulatory body.

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

1 **Section 1.** Chapter 622 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Each regulatory body shall contribute to the***
4 ***Fund for Insurance Premiums as required by NRS 331.187.***

5 ***2. If a regulatory body employs an attorney as legal counsel,***
6 ***the attorney may not be employed as legal counsel of another***
7 ***regulatory body.***

8 ***3. If a regulatory body retains an attorney to act as legal***
9 ***counsel for the regulatory body as an independent contractor, the***
10 ***attorney:***

11 ***(a) May contract with more than one regulatory body to act as***
12 ***legal counsel as an independent contractor.***

13 ***(b) Shall obtain or otherwise carry, before acting as legal***
14 ***counsel for a regulatory body, a policy of professional liability***
15 ***insurance which:***

16 ***(1) Insures the attorney against any liability arising from***
17 ***acting as legal counsel for the regulatory body; and***



1 (2) *Names this State as an additional insured in the*
2 *insurance policy.*

3 **Sec. 3. 1.** *The Department of Administration shall adopt*
4 *regulations establishing standards for the financial operation and*
5 *administration of regulatory bodies. The regulations must include,*
6 *without limitation, provisions which:*

7 (a) *Require each regulatory body to provide for an annual*
8 *audit of the accounts and records of the regulatory body*
9 *conducted by an independent certified public accountant; and*

10 (b) *Establish the minimum level of professional liability*
11 *insurance that an attorney who contracts with a regulatory body to*
12 *act as legal counsel must carry pursuant to subsection 2 of section*
13 *2 of this act.*

14 2. *A regulatory body which is subject to the requirement to*
15 *provide for an annual audit pursuant to paragraph (b) of*
16 *subsection 1 and which has annual total expenditures of \$200,000*
17 *or less in a fiscal year may petition the Department of*
18 *Administration to pay for the costs of such audit.*

19 **Sec. 4.** NRS 622.220 is hereby amended to read as follows:

20 622.220 If a regulatory body employs a person as an executive
21 director or executive secretary or in a position with powers and
22 duties similar to those of an executive director or executive
23 secretary, the person:

24 1. Must possess a level of education or experience, or a
25 combination of both, to qualify the person to perform the
26 administrative and managerial tasks required of the position;

27 2. *Must be a resident of this State;*

28 3. *Must not be employed by another regulatory body as an*
29 *executive director or executive secretary or in a position with*
30 *powers and duties similar to those of an executive director or*
31 *executive secretary; and*

32 ~~4.~~ 4. Must not be the immediate relative of:

33 (a) A member or employee of the regulatory body; or

34 (b) A licensee of the regulatory body.

35 **Sec. 5.** Chapter 622A of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 6 and 7 of this act.

37 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, the*
38 *Attorney General or a deputy attorney general shall prosecute for*
39 *a regulatory body a contested case that is brought pursuant to this*
40 *chapter.*

41 2. *If the Attorney General and the deputies of the Attorney*
42 *General are disqualified to serve as prosecutor, or the Attorney*
43 *General determines that he or she and the deputies of the*
44 *Attorney General do not have the necessary expertise to prosecute*
45 *a contested case for the regulatory body, the regulatory body may*



1 *employ or retain an attorney to prosecute the contested case*
2 *pursuant to this chapter.*

3 *3. If the Attorney General or a deputy attorney general*
4 *prosecutes a contested case for a regulatory body, the Attorney*
5 *General or the deputy attorney general who prosecuted the*
6 *contested case may not also act as legal counsel for the regulatory*
7 *body when the regulatory body considers or makes decisions*
8 *concerning the contested case.*

9 **Sec. 7. 1.** *If a regulatory body employs or retains an*
10 *attorney to serve as legal counsel for and advise the regulatory*
11 *body on any and all matters, the attorney shall not prosecute a*
12 *contested case pursuant to this chapter before the regulatory body*
13 *at any time while employed or retained by the regulatory body.*

14 **2.** *The prohibition set forth in subsection 1 remains in effect*
15 *until the attorney is no longer employed or retained as legal*
16 *counsel for the regulatory body and all contested cases prosecuted*
17 *pursuant to this chapter while the attorney served as legal counsel*
18 *to the regulatory body have reached a final disposition.*

19 **Sec. 8.** NRS 622A.120 is hereby amended to read as follows:
20 622A.120 1. The following regulatory bodies are exempted
21 from the provisions of this chapter:

- 22 (a) ~~State Contractors' Board.~~
23 ~~(b) State Board of Professional Engineers and Land Surveyors.~~
24 ~~(c) Nevada State Board of Accountancy.~~
25 ~~(d) Board of Medical Examiners.~~
26 ~~(e) Board of Dental Examiners of Nevada.~~
27 ~~(f) State Board of Nursing.~~
28 ~~(g) Chiropractic Physicians' Board of Nevada.~~
29 ~~(h) Nevada State Board of Optometry.~~
30 ~~(i) State Board of Pharmacy.~~
31 ~~(j) Board of Examiners for Marriage and Family Therapists and~~
32 ~~Clinical Professional Counselors.~~
33 ~~(k) Real Estate Commission, Real Estate Administrator and~~
34 ~~Real Estate Division of the Department of Business and Industry.~~
35 ~~(l) (b) Commission of Appraisers of Real Estate.~~
36 ~~(m) (c) Commissioner of Mortgage Lending and Division of~~
37 ~~Mortgage Lending of the Department of Business and Industry.~~
38 ~~(n) (d) Commissioner of Financial Institutions and Division of~~
39 ~~Financial Institutions of the Department of Business and Industry.~~
40 ~~(o) Private Investigator's Licensing Board.~~
41 ~~(p) (e) State Board of Health and Division of Public and~~
42 ~~Behavioral Health of the Department of Health and Human~~
43 ~~Services.~~



1 2. Any regulatory body which is exempted from the provisions
2 of this chapter pursuant to subsection 1 may elect by regulation to
3 follow the provisions of this chapter or any portion thereof.

4 **Sec. 9.** NRS 622A.130 is hereby amended to read as follows:

5 622A.130 1. The provisions of this chapter must be
6 interpreted so as to effectuate their general purpose to make uniform
7 among the regulatory bodies that are subject to the provisions of this
8 chapter the procedures used to prosecute contested cases and take
9 administrative action against a person who violates any law or
10 regulation governing occupational licensing.

11 2. To the extent possible, the provisions of this chapter are
12 intended to supplement other statutory provisions governing
13 administrative procedure, occupational licensing and regulatory
14 bodies, and such other provisions must be given effect to the extent
15 that those provisions do not conflict with the provisions of this
16 chapter. If there is a conflict between such other provisions and the
17 provisions of this chapter, the provisions of this chapter control.

18 **3. *The provisions of this chapter do not prohibit a regulatory***
19 ***body from adopting procedures used to prosecute contested cases***
20 ***that:***

21 ***(a) Impose stricter requirements on the regulatory body***
22 ***relating to such prosecution;***

23 ***(b) Provide greater protections for licensees; or***

24 ***(c) Provide greater protections for the public.***

25 **Sec. 10.** NRS 622A.150 is hereby amended to read as follows:

26 622A.150 1. A person who provides a governmental entity,
27 officer or employee with any information relating to a contested
28 case is immune from any civil liability for providing that
29 information if the person acted in good faith and without malicious
30 intent.

31 2. A governmental entity, officer , ~~for~~ employee ***or***
32 ***independent contractor*** is immune from any civil liability for:

33 (a) Any decision or action taken in good faith and without
34 malicious intent in carrying out the provisions of this chapter or any
35 law or regulation governing occupational licensing; or

36 (b) Communicating or cooperating with or providing any
37 documents or other information to any other governmental entity,
38 officer or employee conducting an investigation, disciplinary
39 proceeding or civil or criminal prosecution.

40 **Sec. 11.** NRS 623.133 is hereby amended to read as follows:

41 623.133 1. The Attorney General is hereby designated as the
42 legal adviser of the Board.

43 2. ~~[Nothing]~~ ***Subject to the provisions of sections 6 and 7 of***
44 ***this act, nothing*** in this section shall be construed so as to prevent



1 the Board from employing legal counsel as provided elsewhere in
2 this chapter.

3 **Sec. 12.** NRS 623A.160 is hereby amended to read as follows:

4 623A.160 The Attorney General is the legal adviser of the
5 Board, but the Board may employ legal counsel **H** *subject to the*
6 *provisions of sections 6 and 7 of this act.*

7 **Sec. 13.** NRS 628.410 is hereby amended to read as follows:

8 628.410 1. The Board may initiate proceedings under this
9 chapter:

10 (a) On its own motion;

11 (b) On the complaint of any person; or

12 (c) On a complaint made by a board of accountancy of another
13 state.

14 2. A written notice of the hearing must be served on the
15 respondent not less than 30 days before the date of the hearing,
16 either personally or by mailing a copy thereof by registered or
17 certified mail to the address of the respondent last known to the
18 Board.

19 3. If, after having been served with the notice of hearing, the
20 respondent fails to appear at the hearing and defend, the Board may
21 proceed to hear evidence against the respondent and may enter such
22 order as is justified by the evidence. The order is final unless the
23 respondent petitions for a review thereof. Within 30 days after the
24 date of any order, upon a showing of good cause for failing to
25 appear and defend, the Board may reopen the proceedings and may
26 permit the respondent to submit evidence in his or her behalf.

27 4. At any hearing, a respondent may be represented before the
28 Board by counsel or by a certified public accountant or registered
29 public accountant of this State in good standing. The respondent is
30 entitled, on application to the Board, to the issuance of subpoenas to
31 compel the attendance of witnesses on his or her behalf.

32 5. The Board, or any member thereof, may issue subpoenas to
33 compel the attendance of witnesses and the production of
34 documents. In case of disobedience to a subpoena, the Board may
35 invoke the aid of any court of this State in requiring the attendance
36 and testimony of witnesses and the production of documentary
37 evidence.

38 6. A hearing may be conducted by:

39 (a) The Board, less any member or members who have been
40 disqualified, without the appointment of persons to hear the case in
41 place of the disqualified members; or

42 (b) A member of the Board appointed by the Board as a hearing
43 officer, with the remaining members of the Board, less any member
44 or members who have been disqualified, to review the record, make
45 a final decision and issue the order,



1 ↪ unless the Board, after disqualifications, consists of less than
2 three members to hear or review the case, in which circumstance the
3 Governor must appoint one or more qualified persons so that the
4 panel which hears or reviews the case consists of at least three
5 persons.

6 7. A stenographic record of the hearing must be kept and a
7 transcript thereof filed with the Board.

8 8. At all hearings, the Attorney General or a deputy designated
9 by the Attorney General or such other legal counsel as may be
10 employed shall appear and represent the Board **⚡ subject to the**
11 ***provisions of sections 6 and 7 of this act.***

12 9. The decision of the Board must be by majority vote thereof.

13 **Sec. 14.** NRS 630.346 is hereby amended to read as follows:

14 630.346 In any disciplinary hearing:

15 1. The Board, a panel of the members of the Board and a
16 hearing officer are not bound by formal rules of evidence , ***except***
17 ***that evidence must be taken and considered in the hearing***
18 ***pursuant to NRS 233B.123***, and a witness must not be barred from
19 testifying solely because the witness was or is incompetent.

20 2. A finding of the Board must be supported by a
21 preponderance of the evidence.

22 3. Proof of actual injury need not be established.

23 4. A certified copy of the record of a court or a licensing
24 agency showing a conviction or plea of nolo contendere or the
25 suspension, revocation, limitation, modification, denial or surrender
26 of a license to practice medicine, perfusion or respiratory care is
27 conclusive evidence of its occurrence.

28 **Sec. 15.** NRS 630.352 is hereby amended to read as follows:

29 630.352 1. Any member of the Board, other than a member
30 of an investigative committee of the Board who participated in any
31 determination regarding a formal complaint in the matter or any
32 member serving on a panel of the Board at the hearing of the matter,
33 may participate in an adjudication to obtain the final order of the
34 Board. At the adjudication, the Board shall consider any findings of
35 fact and conclusions of law submitted after the hearing and shall
36 allow:

37 (a) Counsel for the Board to present a disciplinary
38 recommendation and argument in support of the disciplinary
39 recommendation **⚡ subject to the provisions of sections 6 and 7 of**
40 ***this act;***

41 (b) The respondent or counsel of the respondent to present a
42 disciplinary recommendation and argument in support of the
43 disciplinary recommendation; and

44 (c) The complainant in the matter to make a statement to the
45 Board regarding the disciplinary recommendations by the parties



1 and to address the effect of the respondent's conduct upon the
2 complainant or the patient involved, if other than the complainant.

3 ➔ The Board may limit the time within which the parties and the
4 complainant may make their arguments and statements.

5 2. At the conclusion of the presentations of the parties and the
6 complainant, the Board shall deliberate and may by a majority vote
7 impose discipline based upon the findings of fact and conclusions of
8 law and the presentations of the parties and the complainant.

9 3. If, in the findings of fact and conclusions of law, the Board,
10 hearing officer or panel of the Board determines that no violation
11 has occurred, the Board shall dismiss the charges, in writing, and
12 notify the respondent that the charges have been dismissed.

13 4. Except as otherwise provided in subsection 5, if the Board
14 finds that a violation has occurred, it shall by order take one or more
15 of the following actions:

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

18 (b) Administer a written public reprimand to the person;

19 (c) Limit the person's practice or exclude one or more specified
20 branches of medicine from his or her practice;

21 (d) Suspend the person's license for a specified period or until
22 further order of the Board;

23 (e) Revoke the person's license;

24 (f) Require the person to participate in a program to correct
25 alcohol or drug dependence or any other impairment;

26 (g) Require supervision of the person's practice;

27 (h) Impose a fine not to exceed \$5,000 for each violation;

28 (i) Require the person to perform community service without
29 compensation;

30 (j) Require the person to take a physical or mental examination
31 or an examination testing his or her competence; and

32 (k) Require the person to fulfill certain training or educational
33 requirements.

34 5. If the Board finds that the respondent has violated the
35 provisions of NRS 439B.425, the Board shall suspend the
36 respondent's license for a specified period or until further order of
37 the Board.

38 6. The Board shall not administer a private reprimand if the
39 Board finds that a violation has occurred.

40 7. Within 30 days after the hearing before the Board, the Board
41 shall issue a final order, certified by the Secretary-Treasurer of the
42 Board, that imposes discipline and incorporates the findings of fact
43 and conclusions of law obtained from the hearing. An order that
44 imposes discipline and the findings of fact and conclusions of law
45 supporting that order are public records.



1 **Sec. 16.** NRS 631.190 is hereby amended to read as follows:

2 631.190 In addition to the powers and duties provided in this
3 chapter, the Board shall:

4 1. Adopt rules and regulations necessary to carry out the
5 provisions of this chapter.

6 2. Appoint such committees, examiners, officers, employees,
7 agents, attorneys, investigators and other professional consultants
8 and define their duties and incur such expense as it may deem
9 proper or necessary to carry out the provisions of this chapter, the
10 expense to be paid as provided in this chapter. ~~Notwithstanding the~~
11 ~~provisions of this subsection, the Attorney General in his or her sole~~
12 ~~discretion may, but is not required to, serve as legal counsel for the~~
13 ~~Board at any time and in any and all matters.~~

14 3. Fix the time and place for and conduct examinations for the
15 granting of licenses to practice dentistry and dental hygiene.

16 4. Examine applicants for licenses to practice dentistry and
17 dental hygiene.

18 5. Collect and apply fees as provided in this chapter.

19 6. Keep a register of all dentists and dental hygienists licensed
20 in this State, together with their addresses, license numbers and
21 renewal certificate numbers.

22 7. Have and use a common seal.

23 8. Keep such records as may be necessary to report the acts and
24 proceedings of the Board. Except as otherwise provided in NRS
25 631.368, the records must be open to public inspection.

26 9. Maintain offices in as many localities in the State as it finds
27 necessary to carry out the provisions of this chapter.

28 10. Have discretion to examine work authorizations in dental
29 offices or dental laboratories.

30 **Sec. 17.** NRS 636.090 is hereby amended to read as follows:

31 636.090 1. The Board may employ:

32 (a) Agents and inspectors to secure evidence of, and report on,
33 violations of this chapter.

34 (b) Attorneys, investigators and other professional consultants
35 and clerical personnel necessary to administer this chapter.

36 2. The Attorney General may act as counsel for the Board ~~+~~
37 *subject to the provisions of section 6 of this act.*

38 **Sec. 18.** NRS 636.330 is hereby amended to read as follows:

39 636.330 If the Board makes a decision which is adverse to the
40 licensee, the licensee may apply for a rehearing within ~~10~~ *15* days
41 after the Board announces its decision. The Board shall grant or
42 deny the application within a reasonable time thereafter.

43 **Sec. 19.** NRS 636.340 is hereby amended to read as follows:

44 636.340 Unless a license is suspended pursuant to NRS
45 425.540, on or after the expiration of ~~6 months~~ *1 year* following



1 the revocation or suspension of a license, an application may be
2 made for the restoration of the license and the Board may, in the
3 exercise of reasonable discretion, restore the license absolutely or
4 upon specified conditions.

5 **Sec. 20.** NRS 639.252 is hereby amended to read as follows:

6 639.252 1. If the respondent wishes to contest or appeal the
7 decision of the Board, the order or any part thereof, the respondent
8 may, not later than ~~10~~ 15 days after the time the order becomes
9 effective, apply in writing to the Board for a rehearing. The
10 application must set forth with particularity the part or parts of the
11 decision or order to which the respondent objects and the basis of
12 the objection.

13 2. The Executive Secretary of the Board shall, within 10 days
14 after receipt of a written application for rehearing, notify the
15 respondent and the respondent's attorney of record in writing, by
16 registered or certified mail, of his or her action, either granting or
17 denying the application. If the application is granted, the notice must
18 contain the date, time and place of the rehearing. The rehearing must
19 be held at the next regularly scheduled meeting of the Board.
20 Granting of the application by the Executive Secretary does not
21 serve as an automatic stay of execution of the order pending
22 conclusion of the rehearing.

23 **Sec. 21.** NRS 640C.190 is hereby amended to read as follows:

24 640C.190 *Subject to the provisions of sections 6 and 7 of this*
25 *act:*

26 1. The Attorney General and his or her deputies are hereby
27 designated as the attorneys for the Board.

28 2. The provisions of this section do not prevent the Board from
29 employing or retaining other attorneys as it may deem necessary to
30 carry out the provisions of this chapter.

31 **Sec. 22.** NRS 641A.370 is hereby amended to read as follows:

32 641A.370 If the Board revokes or suspends a license for a
33 fixed time, the licensee may apply for a rehearing within ~~10~~ 15
34 days after the date of the suspension or revocation and the Board
35 may grant the application upon the terms and conditions it deems
36 appropriate within 30 days after the application.

37 **Sec. 23.** NRS 645A.193 is hereby amended to read as follows:

38 645A.193 1. The Attorney General shall act as the attorney
39 for the Division in all actions and proceedings brought against or by
40 the Division pursuant to any of the provisions of this chapter.

41 2. *Notwithstanding the provision of paragraph (c) of*
42 *subsection 1 of NRS 622A.120, representation of the Division*
43 *pursuant to subsection 1 shall be conducted in a manner*
44 *consistent with the provisions of sections 6 and 7 of this act.*



1 **Sec. 24.** NRS 645A.235 is hereby amended to read as follows:
2 645A.235 1. A person who engages in an activity for which a
3 license as an escrow agent or escrow agency is required pursuant to
4 this chapter, without regard to whether such a person is licensed
5 pursuant to this chapter, may be required by the Commissioner to
6 pay restitution to any person who has suffered an economic loss as a
7 result of a violation of the provisions of this chapter or any
8 regulation adopted pursuant thereto.

9 2. Notwithstanding the provision of paragraph ~~(m)~~ (c) of
10 subsection 1 of NRS 622A.120, payment of restitution pursuant to
11 subsection 1 shall be done in a manner consistent with the
12 provisions of chapter 622A of NRS.

13 **Sec. 25.** NRS 645B.955 is hereby amended to read as follows:
14 645B.955 1. A person who engages in an activity for which a
15 license as a mortgage broker or mortgage agent is required pursuant
16 to this chapter, without regard to whether such a person is licensed
17 pursuant to this chapter, may be required by the Commissioner to
18 pay restitution to any person who has suffered an economic loss as a
19 result of a violation of the provisions of this chapter or any
20 regulation adopted pursuant thereto.

21 2. Notwithstanding the provision of paragraph ~~(m)~~ (c) of
22 subsection 1 of NRS 622A.120, payment of restitution pursuant to
23 subsection 1 shall be done in a manner consistent with the
24 provisions of chapter 622A of NRS.

25 **Sec. 26.** NRS 645C.250 is hereby amended to read as follows:
26 645C.250 1. The Attorney General shall render to the
27 Division opinions upon questions of law relating to the construction
28 or interpretation of this chapter, or arising in the administration
29 thereof, submitted to the Attorney General by the Division or the
30 Commission.

31 2. The Attorney General shall act as the attorney for the
32 Division in all actions and proceedings brought against or by the
33 Division pursuant to any of the provisions of this chapter ~~+~~ *subject*
34 *to the provisions of sections 6 and 7 of this act.*

35 **Sec. 27.** NRS 645D.150 is hereby amended to read as follows:
36 645D.150 1. The Attorney General shall render to the
37 Division opinions upon questions of law relating to the construction
38 or interpretation of this chapter, or arising in the administration
39 thereof, submitted to the Attorney General by the Division.

40 2. The Attorney General shall act as the attorney for the
41 Division in all actions and proceedings brought against or by the
42 Division pursuant to any of the provisions of this chapter ~~+~~ *subject*
43 *to the provisions of sections 6 and 7 of this act.*



1 **Sec. 28.** NRS 645E.955 is hereby amended to read as follows:
2 645E.955 1. A person who engages in an activity for which a
3 license as a mortgage banker is required pursuant to this chapter,
4 without regard to whether such a person is licensed pursuant to this
5 chapter, may be required by the Commissioner to pay restitution to
6 any person who has suffered an economic loss as a result of a
7 violation of the provisions of this chapter or any regulation adopted
8 pursuant thereto.

9 2. Notwithstanding the provision of paragraph ~~(b)~~ (c) of
10 subsection 1 of NRS 622A.120, payment of restitution pursuant to
11 subsection 1 shall be done in a manner consistent with the
12 provisions of chapter 622A of NRS.

13 **Sec. 29.** NRS 645H.370 is hereby amended to read as follows:
14 645H.370 1. The Attorney General shall render to the
15 Division opinions upon questions of law relating to the construction
16 or interpretation of this chapter, or arising in the administration
17 thereof, submitted to the Attorney General by the Division.

18 2. The Attorney General shall act as the attorney for the
19 Division in all actions and proceedings brought against or by the
20 Division pursuant to any of the provisions of this chapter ~~+~~ *subject*
21 *to the provisions of sections 6 and 7 of this act.*

22 **Sec. 30.** NRS 41.0307 is hereby amended to read as follows:
23 41.0307 As used in NRS 41.0305 to 41.039, inclusive:

24 1. "Employee" includes an employee of a:

25 (a) Part-time or full-time board, commission or similar body of
26 the State or a political subdivision of the State which is created by
27 law.

28 (b) Charter school.

29 (c) University school for profoundly gifted pupils described in
30 chapter 388C of NRS.

31 2. "Employment" includes any services performed by an
32 immune contractor.

33 3. "Immune contractor" means any natural person, professional
34 corporation or professional association which:

35 (a) Is an independent contractor with the State pursuant to NRS
36 333.700; and

37 (b) Contracts to provide medical services for the Department of
38 Corrections ~~+~~ *or contracts to act as legal counsel to a regulatory*
39 *body in accordance with the provisions of subsection 2 of section 2*
40 *of this act.*

41 ↪ As used in this subsection, "professional corporation" and
42 "professional association" have the meanings ascribed to them in
43 NRS 89.020.

44 4. "Public officer" or "officer" includes:



1 (a) A member of a part-time or full-time board, commission or
2 similar body of the State or a political subdivision of the State which
3 is created by law.

4 (b) A public defender and any deputy or assistant attorney of a
5 public defender or an attorney appointed to defend a person for a
6 limited duration with limited jurisdiction.

7 (c) A district attorney and any deputy or assistant district
8 attorney or an attorney appointed to prosecute a person for a limited
9 duration with limited jurisdiction.

10 **Sec. 31.** This act becomes effective on July 1, 2017.



