

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; revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; 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



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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
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.

15 Existing law requires regulatory bodies to comply with certain administrative
16 procedures governing the disciplinary process for licensees. (Chapter 622A of
17 NRS) Existing law also provides an exemption for certain regulatory bodies from
18 having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8**
19 of this bill removes the exemption for regulatory bodies that issue professional
20 licenses and are not under the direct supervision of a department of the Executive
21 Branch of State Government. **Section 6** of this bill prohibits a deputy attorney
22 general from acting as legal counsel for a regulatory body in a contested case if he
23 or she prosecuted the contested case before the regulatory body. **Section 7** of this
24 bill prohibits an attorney who is employed or retained as legal counsel to a
25 regulatory body from prosecuting a contested case before the regulatory body at
26 any time while employed or retained by the regulatory body. **Section 10** of this bill
27 provides immunity from civil liability for persons who contract with regulatory
28 bodies as independent contractors to act as legal counsel for a regulatory body and
29 who participate in the disciplinary process of a regulatory body.

30 Existing law, with certain exceptions, requires certain regulatory bodies of this
31 State which: (1) receive less than \$75,000 in revenue during a fiscal year to prepare
32 a balance sheet for that fiscal year; or (2) receive \$75,000 or more in revenue
33 during any fiscal year to hire a public accountant or accounting firm to conduct an
34 audit of the regulatory body's fiscal records for that fiscal year. Upon completion of
35 the balance sheet or audit, existing law requires the regulatory body to file the
36 balance sheet or a report of the audit with the Legislative Auditor and the Chief of
37 the Budget Division of the Office of Finance on or before December 1 following
38 the end of that fiscal year. (NRS 218G.400) **Section 30.5** of this bill increases from
39 \$75,000 to \$200,000 the amount of revenue received in any fiscal year for the
40 purpose of determining whether a regulatory body is required to prepare a balance
41 sheet or hire a public accountant or accounting firm to conduct the audit and
42 subsequently file a report of the audit with the Legislative Auditor and the Chief of
43 the Budget Division.

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.*



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

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

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

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

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

13 **Sec. 3. The Department of Administration shall adopt**
14 **regulations establishing standards for the financial operation and**
15 **administration of regulatory bodies. The regulations must include,**
16 **without limitation, provisions which establish the minimum level**
17 **of professional liability insurance that an attorney who contracts**
18 **with a regulatory body to act as legal counsel must carry pursuant**
19 **to subsection 3 of section 2 of this act.**

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

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

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

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

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

33 ~~12-1~~ 4. Must not be the immediate relative of:

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

35 (b) A licensee of the regulatory body.

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

38 **Sec. 6. If a deputy attorney general prosecutes a contested**
39 **case for a regulatory body, he or she may not also act as legal**
40 **counsel for the regulatory body when the regulatory body**
41 **considers or makes decisions concerning the contested case.**

42 **Sec. 7. If a regulatory body employs or retains an attorney to**
43 **serve as legal counsel for and advise the regulatory body on any**
44 **and all matters, and the attorney prosecutes a contested case for**
45 **the regulatory body, the attorney may not also act as legal counsel**



1 *for the regulatory body when the regulatory body considers or*
2 *makes a decision regarding the contested case.*

3 **Sec. 8.** NRS 622A.120 is hereby amended to read as follows:

4 622A.120 1. The following regulatory bodies are exempted
5 from the provisions of this chapter:

- 6 (a) ~~State Contractors' Board.~~
- 7 ~~(b) State Board of Professional Engineers and Land Surveyors.~~
- 8 ~~(c) Nevada State Board of Accountancy.~~
- 9 ~~(d) Board of Medical Examiners.~~
- 10 ~~(e) Board of Dental Examiners of Nevada.~~
- 11 ~~(f) State Board of Nursing.~~
- 12 ~~(g) Chiropractic Physicians' Board of Nevada.~~
- 13 ~~(h) Nevada State Board of Optometry.~~
- 14 ~~(i) State Board of Pharmacy.~~
- 15 ~~(j) Board of Examiners for Marriage and Family Therapists and~~
16 ~~Clinical Professional Counselors.~~
- 17 ~~(k) Real Estate Commission, Real Estate Administrator and~~
18 ~~Real Estate Division of the Department of Business and Industry.~~
- 19 ~~(l) (b) Commission of Appraisers of Real Estate.~~
- 20 ~~(m) (c) Commissioner of Mortgage Lending and Division of~~
21 ~~Mortgage Lending of the Department of Business and Industry.~~
- 22 ~~(n) (d) Commissioner of Financial Institutions and Division of~~
23 ~~Financial Institutions of the Department of Business and Industry.~~
- 24 ~~(o) Private Investigator's Licensing Board.~~
- 25 ~~(p) (e) State Board of Health and Division of Public and~~
26 ~~Behavioral Health of the Department of Health and Human~~
27 ~~Services.~~

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

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

32 622A.130 1. The provisions of this chapter must be
33 interpreted so as to effectuate their general purpose to make uniform
34 among the regulatory bodies that are subject to the provisions of this
35 chapter the procedures used to prosecute contested cases and take
36 administrative action against a person who violates any law or
37 regulation governing occupational licensing.

38 2. To the extent possible, the provisions of this chapter are
39 intended to supplement other statutory provisions governing
40 administrative procedure, occupational licensing and regulatory
41 bodies, and such other provisions must be given effect to the extent
42 that those provisions do not conflict with the provisions of this
43 chapter. If there is a conflict between such other provisions and the
44 provisions of this chapter, the provisions of this chapter control.



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

4 **(a) Impose stricter requirements on the regulatory body**
5 **relating to such prosecution; or**

6 **(b) Provide greater due process protections for licensees,**
7 **↪ so long as such procedures do not hinder the duty of the**
8 **regulatory body to protect the public.**

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

10 622A.150 1. A person who provides a governmental entity,
11 officer or employee with any information relating to a contested
12 case is immune from any civil liability for providing that
13 information if the person acted in good faith and without malicious
14 intent.

15 2. A governmental entity, officer , ~~for~~ employee **or**
16 **independent contractor who contracts to act as legal counsel to a**
17 **regulatory body in accordance with the provisions of subsection 3**
18 **of section 2 of this act** is immune from any civil liability for:

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

22 (b) Communicating or cooperating with or providing any
23 documents or other information to any other governmental entity,
24 officer or employee conducting an investigation, disciplinary
25 proceeding or civil or criminal prosecution.

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

27 623.133 1. The Attorney General is hereby designated as the
28 legal adviser of the Board.

29 2. ~~Nothing~~ **Subject to the provisions of sections 6 and 7 of**
30 **this act, nothing** in this section shall be construed so as to prevent
31 the Board from employing legal counsel as provided elsewhere in
32 this chapter.

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

34 623A.160 The Attorney General is the legal adviser of the
35 Board, but the Board may employ legal counsel ~~+~~ **subject to the**
36 **provisions of sections 6 and 7 of this act.**

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

38 628.410 1. The Board may initiate proceedings under this
39 chapter:

40 (a) On its own motion;

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

42 (c) On a complaint made by a board of accountancy of another
43 state.

44 2. A written notice of the hearing must be served on the
45 respondent not less than 30 days before the date of the hearing,



1 either personally or by mailing a copy thereof by registered or
2 certified mail to the address of the respondent last known to the
3 Board.

4 3. If, after having been served with the notice of hearing, the
5 respondent fails to appear at the hearing and defend, the Board may
6 proceed to hear evidence against the respondent and may enter such
7 order as is justified by the evidence. The order is final unless the
8 respondent petitions for a review thereof. Within 30 days after the
9 date of any order, upon a showing of good cause for failing to
10 appear and defend, the Board may reopen the proceedings and may
11 permit the respondent to submit evidence in his or her behalf.

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

17 5. The Board, or any member thereof, may issue subpoenas to
18 compel the attendance of witnesses and the production of
19 documents. In case of disobedience to a subpoena, the Board may
20 invoke the aid of any court of this State in requiring the attendance
21 and testimony of witnesses and the production of documentary
22 evidence.

23 6. A hearing may be conducted by:

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

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

31 ➤ unless the Board, after disqualifications, consists of less than
32 three members to hear or review the case, in which circumstance the
33 Governor must appoint one or more qualified persons so that the
34 panel which hears or reviews the case consists of at least three
35 persons.

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

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

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

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

44 630.346 In any disciplinary hearing:



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

6 2. A finding of the Board must be supported by a
7 preponderance of the evidence.

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

9 4. A certified copy of the record of a court or a licensing
10 agency showing a conviction or plea of nolo contendere or the
11 suspension, revocation, limitation, modification, denial or surrender
12 of a license to practice medicine, perfusion or respiratory care is
13 conclusive evidence of its occurrence.

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

15 630.352 1. Any member of the Board, other than a member
16 of an investigative committee of the Board who participated in any
17 determination regarding a formal complaint in the matter or any
18 member serving on a panel of the Board at the hearing of the matter,
19 may participate in an adjudication to obtain the final order of the
20 Board. At the adjudication, the Board shall consider any findings of
21 fact and conclusions of law submitted after the hearing and shall
22 allow:

23 (a) Counsel for the Board to present a disciplinary
24 recommendation and argument in support of the disciplinary
25 recommendation *‡ subject to the provisions of sections 6 and 7 of*
26 *this act;*

27 (b) The respondent or counsel of the respondent to present a
28 disciplinary recommendation and argument in support of the
29 disciplinary recommendation; and

30 (c) The complainant in the matter to make a statement to the
31 Board regarding the disciplinary recommendations by the parties
32 and to address the effect of the respondent's conduct upon the
33 complainant or the patient involved, if other than the complainant.

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

36 2. At the conclusion of the presentations of the parties and the
37 complainant, the Board shall deliberate and may by a majority vote
38 impose discipline based upon the findings of fact and conclusions of
39 law and the presentations of the parties and the complainant.

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



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

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

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

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

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

11 (e) Revoke the person's license;

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

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

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

16 (i) Require the person to perform community service without
17 compensation;

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

20 (k) Require the person to fulfill certain training or educational
21 requirements.

22 5. If the Board finds that the respondent has violated the
23 provisions of NRS 439B.425, the Board shall suspend the
24 respondent's license for a specified period or until further order of
25 the Board.

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

28 7. Within 30 days after the hearing before the Board, the Board
29 shall issue a final order, certified by the Secretary-Treasurer of the
30 Board, that imposes discipline and incorporates the findings of fact
31 and conclusions of law obtained from the hearing. An order that
32 imposes discipline and the findings of fact and conclusions of law
33 supporting that order are public records.

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

35 631.190 In addition to the powers and duties provided in this
36 chapter, the Board shall:

37 1. Adopt rules and regulations necessary to carry out the
38 provisions of this chapter.

39 2. Appoint such committees, examiners, officers, employees,
40 agents, attorneys, investigators and other professional consultants
41 and define their duties and incur such expense as it may deem
42 proper or necessary to carry out the provisions of this chapter, the
43 expense to be paid as provided in this chapter. ~~Notwithstanding the~~
44 ~~provisions of this subsection, the Attorney General in his or her sole~~



1 ~~discretion may, but is not required to, serve as legal counsel for the~~
2 ~~Board at any time and in any and all matters.]~~

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

5 4. Examine applicants for licenses to practice dentistry and
6 dental hygiene.

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

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

11 7. Have and use a common seal.

12 8. Keep such records as may be necessary to report the acts and
13 proceedings of the Board. Except as otherwise provided in NRS
14 631.368, the records must be open to public inspection.

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

17 10. Have discretion to examine work authorizations in dental
18 offices or dental laboratories.

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

20 636.090 1. The Board may employ:

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

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

25 2. The Attorney General may act as counsel for the Board ~~†~~
26 *subject to the provisions of section 6 of this act.*

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

28 636.330 If the Board makes a decision which is adverse to the
29 licensee, the licensee may apply for a rehearing within ~~††~~ 15 days
30 after the Board announces its decision. The Board shall grant or
31 deny the application within a reasonable time thereafter.

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

33 636.340 Unless a license is suspended pursuant to NRS
34 425.540, on or after the expiration of ~~†6 months†~~ 1 year following
35 the revocation or suspension of a license, an application may be
36 made for the restoration of the license and the Board may, in the
37 exercise of reasonable discretion, restore the license absolutely or
38 upon specified conditions.

39 **Sec. 19.5.** NRS 639.070 is hereby amended to read as follows:

40 639.070 1. The Board may:

41 (a) Adopt such regulations, not inconsistent with the laws of this
42 State, as are necessary for the protection of the public, appertaining
43 to the practice of pharmacy and the lawful performance of its duties.

44 (b) Adopt regulations requiring that prices charged by retail
45 pharmacies for drugs and medicines which are obtained by



- 1 prescription be posted in the pharmacies and be given on the
2 telephone to persons requesting such information.
- 3 (c) Adopt regulations, not inconsistent with the laws of this
4 State, authorizing the Executive Secretary of the Board to issue
5 certificates, licenses and permits required by this chapter and
6 chapters 453 and 454 of NRS.
- 7 (d) Adopt regulations governing the dispensing of poisons,
8 drugs, chemicals and medicines.
- 9 (e) Regulate the practice of pharmacy.
- 10 (f) Regulate the sale and dispensing of poisons, drugs, chemicals
11 and medicines.
- 12 (g) Regulate the means of recordkeeping and storage, handling,
13 sanitation and security of drugs, poisons, medicines, chemicals and
14 devices, including, but not limited to, requirements relating to:
- 15 (1) Pharmacies, institutional pharmacies and pharmacies in
16 correctional institutions;
- 17 (2) Drugs stored in hospitals; and
- 18 (3) Drugs stored for the purpose of wholesale distribution.
- 19 (h) Examine and register, upon application, pharmacists and
20 other persons who dispense or distribute medications whom it
21 deems qualified.
- 22 (i) Charge and collect necessary and reasonable fees for the
23 expedited processing of a request or for any other incidental service
24 the Board provides, other than those specifically set forth in this
25 chapter.
- 26 (j) Maintain offices in as many localities in the State as it finds
27 necessary to carry out the provisions of this chapter.
- 28 (k) Employ ~~an attorney,~~ **attorneys**, inspectors, investigators
29 and other professional consultants and clerical personnel necessary
30 to the discharge of its duties.
- 31 (l) Enforce the provisions of NRS 453.011 to 453.552, inclusive,
32 and enforce the provisions of this chapter and chapter 454 of NRS.
- 33 (m) Adopt regulations concerning the information required to be
34 submitted in connection with an application for any license,
35 certificate or permit required by this chapter or chapter 453 or 454
36 of NRS.
- 37 (n) Adopt regulations concerning the education, experience and
38 background of a person who is employed by the holder of a license
39 or permit issued pursuant to this chapter and who has access to
40 drugs and devices.
- 41 (o) Adopt regulations concerning the use of computerized
42 mechanical equipment for the filling of prescriptions.
- 43 (p) Participate in and expend money for programs that enhance
44 the practice of pharmacy.



1 2. The Board shall, to the extent feasible, communicate or
2 cooperate with or provide any documents or other information to
3 any other licensing board or any other agency that is investigating a
4 person, including, without limitation, a law enforcement agency.

5 3. This section does not authorize the Board to prohibit open-
6 market competition in the advertising and sale of prescription drugs
7 and pharmaceutical services.

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

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

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

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

27 640C.190 *Subject to the provisions of sections 6 and 7 of this*
28 *act:*

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

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

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

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

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

41 645A.193 1. The Attorney General shall act as the attorney
42 for the Division in all actions and proceedings brought against or by
43 the Division pursuant to any of the provisions of this chapter.

44 2. *Notwithstanding the provision of paragraph (c) of*
45 *subsection 1 of NRS 622A.120, representation of the Division*



1 *pursuant to subsection 1 shall be conducted in a manner*
2 *consistent with the provisions of sections 6 and 7 of this act.*

3 **Sec. 24.** NRS 645A.235 is hereby amended to read as follows:

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

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

15 **Sec. 25.** NRS 645B.955 is hereby amended to read as follows:

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

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

27 **Sec. 26.** NRS 645C.250 is hereby amended to read as follows:

28 645C.250 1. The Attorney General shall render to the
29 Division opinions upon questions of law relating to the construction
30 or interpretation of this chapter, or arising in the administration
31 thereof, submitted to the Attorney General by the Division or the
32 Commission.

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

37 **Sec. 27.** NRS 645D.150 is hereby amended to read as follows:

38 645D.150 1. The Attorney General shall render to the
39 Division opinions upon questions of law relating to the construction
40 or interpretation of this chapter, or arising in the administration
41 thereof, submitted to the Attorney General by the Division.

42 2. The Attorney General shall act as the attorney for the
43 Division in all actions and proceedings brought against or by the
44 Division pursuant to any of the provisions of this chapter ~~+~~ *subject*
45 *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 3 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. 30.5.** NRS 218G.400 is hereby amended to read as
11 follows:

12 218G.400 1. Except as otherwise provided in subsection 2,
13 each board created by the provisions of NRS 590.485 and chapters
14 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
15 of NRS shall:

16 (a) If the revenue of the board from all sources is less than
17 ~~§75,000~~ **\$200,000** for any fiscal year and, if the board is a
18 regulatory body pursuant to NRS 622.060, the board has submitted
19 to the Director of the Legislative Counsel Bureau for each quarter of
20 that fiscal year the information required by NRS 622.100, prepare a
21 balance sheet for that fiscal year on the form provided by the
22 Legislative Auditor and file the balance sheet with the Legislative
23 Auditor and the Chief of the Budget Division of the Office of
24 Finance on or before December 1 following the end of that fiscal
25 year. The Legislative Auditor shall prepare and make available a
26 form that must be used by a board to prepare such a balance sheet.

27 (b) If the revenue of the board from all sources is ~~§75,000~~
28 **\$200,000** or more for any fiscal year, or if the board is a regulatory
29 body pursuant to NRS 622.060 and has failed to submit to the
30 Director of the Legislative Counsel Bureau for each quarter of that
31 fiscal year the information required by NRS 622.100, engage the
32 services of a certified public accountant or public accountant, or
33 firm of either of such accountants, to audit all its fiscal records for
34 that fiscal year and file a report of the audit with the Legislative
35 Auditor and the Chief of the Budget Division of the Office of
36 Finance on or before December 1 following the end of that fiscal
37 year.

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



1 Finance on or before December 1 following the end of the second
2 fiscal year.

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

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

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

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

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

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

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



