

Assembly Bill No. 503–Committee on Judiciary

CHAPTER.....

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

Existing law enacts the Psychology Interjurisdictional Compact, which is designed, in general, to allow telepsychological practice across state lines and temporary in-person, face-to-face services into a state in which a psychologist is not licensed to practice psychology. The Compact requires the Psychology



Interjurisdictional Compact Commission to provide for the development and maintenance of a Coordinated Licensure Information System (hereinafter “Coordinated Database”) to which a compact state is required to submit certain information concerning licensees. The Compact also authorizes the Commission to convene in a closed, nonpublic meeting if the Commission must discuss certain information, including the disclosure of investigatory records compiled for law enforcement purposes. (NRS 641.227) **Section 60** of this bill: (1) prohibits a compact state from submitting to the Coordinated Database any information concerning the criminal history of a licensee that is included in a report from the Central Repository or the FBI; and (2) removes the ability of the Commission to discuss the disclosure of investigatory records compiled for law enforcement purposes.

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

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

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1-6. (Deleted by amendment.)

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

388A.516 1. 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 pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from ~~an~~ a public entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

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

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

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

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

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

(1) A statute of this State expressly requires a volunteer who will interact with pupils at school to submit a complete set of his or her fingerprints to the public entity and written permission authorizing the public entity to forward those fingerprints to the Central Repository for Nevada Records of Criminal History 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;

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

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

2. In addition to the exception described in subsection 1, 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 pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from ~~an~~ a public entity described in this subsection that is acceptable to the governing body or other



sufficient evidence, or the governing body otherwise determines that:

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

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

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

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

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

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

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

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

3. In addition to the exceptions described in subsections 1 and 2, 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 pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed form prescribed by the Department, a statement from ~~{an}~~ *a public* entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:



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

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

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

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

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

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

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

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

4. In addition to the exceptions described in subsections 1, 2 and 3, 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 pursuant to NRS 388A.515 if:

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

(1) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her



fingerprints, ~~and~~ a public entity that is not included on the list of entities compiled by the Department pursuant to NRS 391.106 determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; ~~and~~

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

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

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

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

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

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

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

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

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

5. In addition to the exceptions described in subsections 1 to 4, inclusive, 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 pursuant to NRS 388A.515 if :



(a) *A statute of this State expressly requires the volunteer ~~[submits]~~ to submit a complete set of his or her fingerprints to another public 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 public 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 ~~[]~~;*

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

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

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

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

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

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

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

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

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

(1) *A statute of this State expressly requires a volunteer who will interact with pupils at school to submit a complete set of*



his or her fingerprints to the public entity and written permission authorizing the public entity to forward those fingerprints to the Central Repository for Nevada Records of Criminal History 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;

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

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

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

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

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

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

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

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

(1) A statute of this State expressly requires an employee who will have unrestricted interaction with pupils as part of his or her official duties to submit a complete set of his or her fingerprints to the public entity and written permission authorizing the public entity to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report



on the criminal history of the employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the employee;

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

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

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

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

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

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

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

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

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



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

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

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if:

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

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

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

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

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

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

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



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

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

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

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

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

(a) A statute of this State expressly requires the volunteer ~~[submits]~~ to submit a complete set of his or her fingerprints to another public 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 public 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 ~~[]~~;

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

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

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

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

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



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

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

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

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

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

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

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

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

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

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



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

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

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

(a) Suspend the application process;

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

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

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

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

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

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

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

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

11. ~~The Department shall:~~

~~—(a) 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;~~

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



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

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

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

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

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

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

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

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

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

2. The board of trustees of a school district:

(a) May employ teacher aides and [other—auxiliary, nonprofessional personnel] *paraprofessionals* to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is employed as a paraprofessional by a school



district to work in a program supported with Title I money must possess the requirements prescribed by the State Board pursuant to NRS 391.094.

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

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

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

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

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

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

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

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

(1) A statute of this State expressly requires a volunteer who will interact with pupils at school to submit a complete set of his or her fingerprints to the public entity and written permission authorizing the public entity to forward those fingerprints to the Central Repository for Nevada Records of Criminal History 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;

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

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



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

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

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

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

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

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

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

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

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

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a



school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed form prescribed by the Department, a statement from ~~an~~ *a public* entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines that:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

(a) *A statute of this State expressly requires the volunteer ~~[submits]~~ to submit a complete set of his or her fingerprints to another public 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 public 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 ~~[-]~~;*

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

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

Sec. 12. NRS 394.152 is hereby amended to read as follows:

394.152 As used in NRS 394.152 to ~~[394.157,]~~ **394.155**, inclusive, unless the context otherwise requires, the words and terms defined in NRS 394.153 and 394.154 have the meanings ascribed to them in those sections.

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

394.155 1. ~~[Except as otherwise provided in NRS 394.157, each]~~ **Each** applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school ~~[-]~~

~~—(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the~~



~~Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and~~

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

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

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

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

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

~~—4.]~~ The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

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

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

~~[5.]~~ 4. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3. ~~[or 4 or NRS 394.157.]~~

Secs. 14-50. (Deleted by amendment.)



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

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

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

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

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

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

(a) File an application with the Board.

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

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

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

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

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

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

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

Secs. 54-59. (Deleted by amendment.)



Sec. 60. NRS 641.227 is hereby amended to read as follows:
641.227 The Psychology Interjurisdictional Compact, set forth in this section, is hereby enacted into law and entered into with all other jurisdictions substantially as follows:

ARTICLE I.

PURPOSE

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

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

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

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

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

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

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

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

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines, as well as temporary in-person, face-to-face services, into a state which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;



3. Encourage the cooperation of the compact states in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between the compact states regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each compact state; and
6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE II.

DEFINITIONS

A. “Adverse action” means any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

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

C. “Authority to practice interjurisdictional telepsychology” means a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this Compact, in another compact state.

D. “Bylaws” means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. “Client/patient” means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision and/or consulting services.

F. “Commissioner” means the voting representative appointed by each state psychology regulatory authority pursuant to Article X.

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

H. “Coordinated Licensure Information System” or “Coordinated Database” means an integrated process for collecting,



storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of the state psychology regulatory authorities.

I. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

J. "Day" means any part of a day in which psychological work is performed.

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

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

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

N. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state, and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist was physically present when the telepsychological services were delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

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

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

Q. "Interjurisdictional practice certificate (IPC)" means a certificate issued by the Association of State and Provincial



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

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

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

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

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

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

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

X. "Significant investigatory information" means:

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

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

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

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

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



BB. “Temporary authorization to practice” means a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another compact state.

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

ARTICLE III.

HOME STATE LICENSURE

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

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

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

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

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

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or



other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than 10 years after activation of the Compact; and

5. Complies with the bylaws and rules of the Commission.

F. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active IPC;

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

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

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

5. Complies with the bylaws and rules of the Commission.

ARTICLE IV.

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.

B. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a compact state must:

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

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

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation



Services (NACES) or by a recognized foreign credential evaluation service; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Possess a current, active E.Passport;

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



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

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

D. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the Commission.

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

ARTICLE V.

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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

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

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

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

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a



member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Possess a current, active IPC;

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

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



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

D. A psychologist practicing into a distant state under the Temporary Authorization to Practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the Commission.

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

ARTICLE VI.

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

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

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

ARTICLE VII.

ADVERSE ACTIONS

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state and a



distant state may take adverse action on a psychologist's temporary authorization to practice within that distant state.

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

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

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

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

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

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

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

F. Nothing in this Compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary



psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

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

ARTICLE VIII.

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

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

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

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

B. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The Commission shall promptly notify the new home state of any such decisions as provided in the rules of the Commission. All information provided to the Commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create



additional rules for mandated or discretionary sharing of information by compact states.

ARTICLE IX.

COORDINATED LICENSURE INFORMATION SYSTEM

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

B. Notwithstanding any other provision of state law to the contrary, *and except as otherwise provided in this Article*, a compact state shall submit a uniform data set to the Coordinated Database on all licensees as required by the rules of the Commission, including:

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

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

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

E. Compact states reporting information to the Coordinated Database may designate information that may not be shared with the



public without the express permission of the compact state reporting the information.

~~EE-1~~ **F.** Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the Coordinated Database.

ARTICLE X.

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

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

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

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

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

B. Membership, Voting and Meetings.

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

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

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

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

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



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

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

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

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

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

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

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

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

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

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

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

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

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

~~j. Matters specifically exempted from disclosure by federal and state statute.~~

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each



relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

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

1. Establishing the fiscal year of the Commission.
2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the Commission.
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed.
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission.
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission.
6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees.
7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds



that may exist after the termination of the Compact after the payment and reserving of all of its debts and obligations.

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

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

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

D. The Commission shall have the following powers:

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

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

3. To purchase and maintain insurance and bonds;

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

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

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

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

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

9. To establish a budget and make expenditures;

10. To borrow money;



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

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

13. To adopt and use an official seal; and

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

E. The Executive Board.

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

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

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

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

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

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

4. The Executive Board shall meet at least annually.

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

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

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

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

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

f. Establish additional committees as necessary; and

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

F. Financing of the Commission.



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

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

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

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

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

G. Qualified Immunity, Defense and Indemnification.

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

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any



actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

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

ARTICLE XI.

RULEMAKING

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

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

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

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

1. On the Internet website of the Commission; and
2. On the Internet website of the compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:



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

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

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

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

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

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

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

2. A government subdivision or agency; or

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

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

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

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

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

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

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held,



the Commission shall consider all written and oral comments received.

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

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

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

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

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Internet website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may 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 remedying 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.

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

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



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

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

C. Dispute Resolution.

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

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

D. Enforcement.

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

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

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

ARTICLE XIII.

DATE OF IMPLEMENTATION OF PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and



exercise rulemaking powers necessary to the implementation and administration of the Compact.

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

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

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

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

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

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

ARTICLE XIV.

CONSTRUCTION AND SEVERABILITY

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

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

In addition to any other requirements set forth in this chapter, an applicant for a license to practice as a marriage and family therapist or clinical professional counselor, a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, a license as a marriage and family therapist intern or a license as a clinical professional counselor intern that is issued pursuant to this chapter shall submit to the Board a complete set of fingerprints and written permission



authorizing the Board 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.

Secs. 62-64. (Deleted by amendment.)

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

642.511 ~~[Am]~~ *In addition to any other requirements set forth in this chapter, an applicant for ~~[any]~~ a license ~~[, permit or]~~ to practice the profession of embalming, a certificate of registration to serve as a registered apprentice to a licensed embalmer, a funeral director's license, a license as a funeral arranger, a permit to operate a funeral establishment or a permit to operate a direct cremation facility that is issued ~~[by the Board must]~~ pursuant to this chapter shall submit ~~[as part of his or her application]~~ to the Board a complete set of fingerprints and written permission authorizing the Board to forward ~~[the]~~ 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.*

Secs. 66-79. (Deleted by amendment.)

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

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

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

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

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

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

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



Sec. 85. NRS 678A.010 is hereby amended to read as follows:
678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, *and sections 81 to 84, inclusive, of this act* have the meanings ascribed to them in those sections.

Secs. 86-88. (Deleted by amendment.)

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

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

Sec. 91. This act becomes effective upon passage and approval.



