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MEETING NOTICE AND AGENDA

Name of Organization: Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

Date and Time of Meeting: Wednesday, March 21, 2018
8:30 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4412
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Subcommittee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building, Room 3137
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

- I. Call to Order
Assemblywoman Irene Bustamante Adams, Chair

- II. Public Comment
(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

*For
Possible
Action*
*For
Possible
Action*

- III. Approval of Minutes of the Meeting Held on February 21, 2018
- IV. Review of Audit Reports Received From Certain Occupational and Professional Licensing Boards
Rocky Cooper, Legislative Auditor, Audit Division, Legislative Counsel Bureau (LCB)

- A. Board of Medical Examiners (NRS 630.050)
- B. Board of Homeopathic Medical Examiners (NRS 630A.100)
- C. State Board of Nursing (NRS 632.020)
- D. State Board of Osteopathic Medicine (NRS 633.181)

*For
Possible
Action*

- V. Public Hearing Concerning the Termination, Modification, Consolidation, or Continued Operation of Certain Entities Pursuant to NRS 232B.240
 - A. Board of Medical Examiners (NRS 630.050)
 - B. Board of Homeopathic Medical Examiners (NRS 630A.100)
 - C. State Board of Nursing (NRS 632.020)
 - D. Advisory Committee on Nursing Assistants and Medication Aides (NRS 632.072)
 - E. State Board of Osteopathic Medicine (NRS 633.181)

*For
Possible
Action*

- VI. Work Session—Discussion and Possible Actions on Recommendations Relating to:
 - A. Revising Statutory Provisions to Require or Authorize the Electronic Transfer of Funds for Boards and Commissions Under Title 54 (“Professions, Occupations and Businesses”) of NRS
 - B. Terminating, Continuing, Modifying, or Consolidating the State Board of Landscape Architecture (NRS 623A.080)

C. Terminating, Continuing, Modifying, or Consolidating the Board of Registered Environmental Health Specialists (NRS 625A.030)

The Work Session Document is attached and contains recommendations proposed at this and other meetings of the Sunset Subcommittee of the Legislative Commission during the 2017–2018 Legislative Interim. The document is also available on the Subcommittee’s [meeting page](#), or a written copy may be obtained by contacting Carol M. Stonefield, Deputy Research Director, Research Division, LCB, at (775) 684-6825.

For Possible Action

VII. Informational Items Provided in Response to Questions Raised at Prior Meetings of the Sunset Subcommittee of the Legislative Commission

- A. Information From the Private Investigator’s Licensing Board Regarding the Comparison of Fees in Nevada and Certain Other States, January 22, 2018, Meeting
- B. Information From the Nevada State Board of Accountancy Regarding the Board’s Financial Reserves, January 22, 2018, Meeting
- C. Information From the State Contractors’ Board Regarding Fines, Penalties, and the Recovery of Costs, February 21, 2018, Meeting

VIII. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

IX. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public with a disability who wish to attend the meeting. If accommodations for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; and the Legislative Building, 401 South Carson Street. Notice of this meeting was posted in the following Las Vegas location: Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was hand delivered for posting to the following Carson City location: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas locations: Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Supporting public material provided to Subcommittee members for this meeting may be requested from Janet Coons, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature’s website at www.leg.state.nv.us.

Sunset Subcommittee of the Legislative Commission
(Nevada Revised Statutes 232B.210)

**WORK SESSION
DOCUMENT**



March 21, 2018

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

March 21, 2018

The following Work Session Document has been prepared by the chair and staff of the Sunset Subcommittee of the Legislative Commission. It is designed to assist the Subcommittee members to determine whether to recommend that a board or commission be terminated, modified, consolidated with another agency, or continued. The recommendations contained herein do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Each item in this document may be the subject of further discussion, refinement, or action. Any recommendations will be forwarded to the Legislative Commission for its consideration. Some of the recommendations may contain an unknown fiscal impact. Subcommittee members should be advised that Legislative Counsel Bureau (LCB) staff will coordinate with interested parties to obtain detailed fiscal estimates, if appropriate, for inclusion in the Subcommittee's final report.

Finally, please note that specific details of recommendations approved by the Subcommittee may require clarification by Subcommittee staff prior to reporting the recommendations to the Legislative Commission. Supporting documents for some recommendations may be obtained by contacting Carol M. Stonefield, Deputy Research Director, Research Division, LCB, at (775) 684-6825 or cstonefield@lcb.state.nv.us.

**RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING,
MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS**

1. Payment of Fees and Other Obligations Through Electronic Transfer of Money

At its meeting on February 21, 2018, the Subcommittee received testimony from the State Board of Landscape Architecture (NRS 623A.080) regarding accessibility of its forms and functions via the Internet. Representatives of the Board reported that NRS 623A.240 limits certain financial transactions involving the Board to United States currency in the form of a “check, cashier’s check or money order.”

Discussion among the Subcommittee members and representatives of the Board concerned revisions to sections of NRS limiting methods of payment.

If the Subcommittee wishes to recommend revisions to statutory provisions for the purpose of recognizing electronic transfer of funds, the members may wish to recommend one of the following:

- A. Require each Title 54 board or commission, in the same manner as provided by existing law for other State agencies, to enter into a contract for the acceptance of credit cards and other electronic transfers of money, or to participate in such a contract entered into by the director of the Office of Finance.

or

- B. Explicitly authorize, but do not require, each such board or commission to enter into or participate in such a contract.

2. State Board of Landscape Architecture (NRS 623A.080)

The State Board of Landscape Architecture was established in 1975. The Board consists of five members appointed by the Governor. The Board is responsible to implement the provisions of Chapter 623A (“Landscape Architects”) of NRS, including:

- Adopting regulations for the administration of the provisions of Chapter 623A;
- Examining applicants and issuing certificates of registration;
- Adopting a code of conduct; and
- Investigating complaints and taking disciplinary action, including revoking or suspending certificates.

The Board was reviewed by the Sunset Subcommittee at its meeting on February 21, 2018. Discussion among the Subcommittee members and representatives of the Board concerned travel expenses, videoconferencing, continuing education, fees, and accessibility to forms and other functions via the Internet for the convenience of certificate holders.

The Board offered one suggestion for revision to the statutes governing its operations. Existing law provides that the president of the Board or a designated Board member must review a complaint filed with the executive director. Consideration of the complaint by a member of the Board in this manner eliminates that person from subsequent participation in a later hearing on the complaint. The Board suggested revising these provisions by substituting the executive director for the president or any Board member, so that all Board members may participate in a hearing without violating the due process rights of the person named in the complaint.

The Board had no recommendations for consolidation with another board or commission.

Should the State Board of Landscape Architecture be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee recommends continuation, the members may wish to recommend one or more of the following:

- A. Amend NRS 623A.305 to provide that the executive director, rather than the president of the Board or any designated Board member, consider a complaint that is filed with the Board to determine whether further proceedings are warranted.
- B. Send a letter to the Board:
 - Encouraging the Board to develop a continuing education policy; and
 - Requesting to be informed when the Board's continuing education policy is implemented.
- C. Remove the provisions of NRS 623A.240 that require fees to be paid to the State Board of Landscape Architecture in the form of checks or money orders.

3. Board of Registered Environmental Health Specialists (NRS 625A.030)

The Board of Registered Environmental Health Specialists was created by the Legislature in 1987. The Board includes the Chief Medical Officer and four members appointed by the Governor to represent the general public and the health districts of Washoe County and Clark County.

The Board issues certificates of registration, sets fees, determines continuing education requirements, establishes standards of professional conduct, and takes disciplinary actions.

The Sunset Subcommittee reviewed the Board at its meeting on February 21, 2018. Members of the Subcommittee and representatives of the Board discussed the impact of legalized marijuana on the requirements for registration with the Board. Representatives of the Board discussed changes to the practice of environmental health specialists, the Board's disciplinary options, and its lack of authority to impose fines.

The Board recommended revisions to provisions of Chapter 625A ("Environmental Health Specialists") of NRS to:

- Authorize the Board to issue licenses rather than certificates; and
- Investigate complaints and discipline licensees, including the authority to impose civil penalties.

The Board recommended that it be given the option to delegate to a hearing officer its authority to take disciplinary action.

The Board had no recommendations for consolidation with another board or commission.

Should the Board of Registered Environmental Health Specialists be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*