



# **NEVADA LEGISLATURE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION**

**(*Nevada Revised Statutes* [NRS] [232B.210](#))**

## **SUMMARY MINUTES August 31, 2020**

The sixth and final meeting of the Sunset Subcommittee of the Legislative Commission for the 2019–2020 Interim was held on Monday, August 31, 2020, at 9 a.m. Pursuant to Sections 2 through 9, inclusive, of Chapter 2, *Statutes of Nevada 2020*, 32<sup>nd</sup> Special Session, pages 9 through 11, there was no physical location for this meeting.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Subcommittee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) ([publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us) or 775/684-6835).

### **COMMITTEE MEMBERS PRESENT:**

Senator Patricia (Pat) Spearman, Chair  
Assemblywoman Sandra Jauregui, Vice Chair  
Senator Chris Brooks  
Senator Keith F. Pickard  
Assemblyman Richard (Skip) Daly  
Assemblyman John C. Ellison  
Hannah Brown  
Donald Chaney  
Teresa P. Froncek Rankin

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jennifer Ruedy, Chief Principal Policy Analyst, Research Division  
Cesar Melgarejo, Senior Policy Analyst, Research Division  
Janet Coons, Manager of Research Policy Assistants, Research Division  
Steven Jamieson, Research Policy Assistant, Research Division  
Eileen O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Karly R. O'Krent, Senior Deputy Legislative Counsel, Legal Division  
Taylor P. Gardner, Deputy Legislative Counsel, Legal Division

*Items taken out of sequence during the meeting have been placed in agenda order.*

## **AGENDA ITEM I—CALL TO ORDER**

Chair Spearman called the meeting to order and reviewed virtual meeting protocol.

## **AGENDA ITEM II—PUBLIC COMMENT**

Chair Spearman called for public comment; however, no testimony was presented.

There was no public comment.

## **AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETINGS ON JUNE 23 AND JUNE 30, 2020**

**MOTION:** Assemblyman Ellison moved to approve the minutes of the meetings held on June 23 and June 30, 2020. The motion was seconded by Vice Chair Jauregui and passed unanimously.

## **AGENDA ITEM IV—UPDATE ON THE STATE OCCUPATIONAL LICENSING REVIEW AND REFORM GRANT AWARDED BY THE UNITED STATES DEPARTMENT OF LABOR**

Mayita Sanchez, Grants and Policy Analyst, Office of Workforce Innovation (OWINN), Office of the Governor, provided an update on OWINN's efforts to review and reform occupational licensing in the state ([Agenda Item IV A](#)). She said OWINN is examining licensure requirements in Nevada to better serve dislocated workers and veterans, identify existing barriers to the labor market, and create a plan to increase access to and reciprocity for selected licenses and occupations.

Ms. Sanchez explained that revisions have been made to the *Nevada Occupational Licensing Study Literature Review Report* presented by Craig Von Collenburg, then Executive Director of OWINN, at the Sunset Subcommittee's June 30, 2020, meeting; she provided the updated version to the Subcommittee ([Agenda Item IV B](#)). Ms. Sanchez stated the majority of the changes could be found on page 9 of the report, and she included additional examples of legislative changes made in 2019 that affected licensing-related fees.

Continuing, Ms. Sanchez also stated that a further revision is needed on page 10 to reflect changes made to [Senate Bill 186](#) (2019) before its final passage. She explained that SB 186 was introduced to enact and enter the Physical Therapy Licensure Compact, which is an interstate compact that allows a person who is licensed as a physical therapist or physical therapist assistant to provide services in person in a state in which he or she is not licensed, if certain conditions are met. Ms. Sanchez said the provisions related to the Compact were removed from SB 186, and the enacted bill was limited to providing for the performance of dry needling in the scope of practice of physical therapy and athletic training. She said [Bill Draft Request \(BDR\) 153](#) (2021) by Senator Heidi Seevers Gansert, Senate District 15, is expected to provide for the enactment of the Physical Therapy Licensure Compact.

Ms. Sanchez shared the results of the first Nevada Occupational Licensing Study roundtable discussion ([Agenda Item IV C](#)) and informed the Subcommittee that OWINN will be hosting additional discussions on September 15, 2020, as well as a date yet to be determined in

October 2020. She stated a summary of the September 15 discussion will be presented to the Occupational Licensing Working Group meeting on September 23, 2020.

Gauri "Gee" Rege, M.A., Industrial-Organizational Psychology Researcher, American Institutes for Research (AIR), shared information about AIR's data collection activities related to occupational licensing in Nevada and other states. She reported that licensure requirements for 110 occupations are being collected to create a database with 59 data elements; Nevada's requirements for a subset of 25 occupations are being compared to those in the 5 least burdensome states. Ms. Rege said AIR's analytical report will be delivered to OWINN in December 2020.

## **AGENDA ITEM V—UPDATE ON LICENSING AND PRACTICE CHANGES IMPLEMENTED IN RESPONSE TO THE CORONAVIRUS DISEASE OF 2019 (COVID-19)**

Sarah A. Bradley, J.D., M.B.A., Deputy Executive Director, Board of Medical Examiners, presented information on waivers that allow licensees from other states to work in Nevada during the COVID-19 crisis ([Agenda Item V A](#)). Since Governor Steve Sisolak ordered the waiving of certain licensing requirements in [Declaration of Emergency Directive 011](#), she reported the Board has received 1,945 waiver forms—1,741 from physicians, 153 from physician assistants, 42 from respiratory care practitioners, and 9 from perfusionists.

Chair Spearman inquired whether the process being used to vet medical practitioners during the COVID-19 emergency can be used during nonemergency times.

Ms. Bradley explained the Board has interpreted Emergency Directive 11 to require that there should be no delay in letting these medical professionals practice in Nevada; therefore, waiver applicants are not currently being vetted. Under Emergency Directive 11, she stated the Board's only control is that a waiver form is submitted and filed—there is no background or fingerprint check, verification of credentials, or other screening procedure. Ms. Bradley noted practitioners are approved only on an attestation that the information provided on the waiver form is accurate. She further explained that Emergency Directive 11 only limits practitioners to work "within the limits of their competency," not within their area of specialization. If a patient complains about a physician practicing on a waiver, Ms. Bradley said it could be a challenge to discipline the practitioner, as the Board would likely have to work with the licensing board in the practitioner's home state to resolve any issues. She added the Board does not know whether anyone who has submitted a waiver has actually practiced in Nevada.

Chair Spearman expressed concern that practitioners are not being vetted to the same standard as they are when applying for a normal license in nonemergency times. She said that, in the past, much of the resistance to accelerating the regular application process has centered on concerns about public safety and the thorough vetting of medical practitioners. Chair Spearman clarified she would like to know why the application process is so lengthy in nonemergency times and how the public can be assured its safety during this emergency period. She expressed her desire to shorten the licensing period in nonemergency times, while still ensuring the public's safety.

Ms. Bradley stated the Board can issue a license within a day of receiving a completed application under the normal licensing process; however, the average time to complete an application is around two months, including the time for the applicant to submit all the required documents. She said an application can sometimes be delayed while waiting for a school transcript to be received. Ms. Bradley said practitioners applying under the Interstate

Medical Compact are subject to an expedited process that can be completed in three to five days. She again explained that current waiver applicants are not subject to the regular application and evaluation processes.

Ms. Brown disclosed she is on the Valley Health System Board of Governors. She explained that when a medical professional seeks employment, the System completes a thorough investigation of the person's qualifications. However, due to the increased need for medical care during the COVID-19 crisis, she confirmed states have waived these requirements and are taking applicants at their word. Ms. Brown said hospitals are not formally "hiring" these professionals, rather they are "allowing" the physicians to work for a limited time.

In response to Senator Brooks's question about what employers are doing to vet potential hires, Ms. Bradley said she did not know. She said she could ask the Nevada Hospital Association (NHA) for clarification.

Senator Brooks said he would talk to the NHA as well.

Cathy Dinauer, M.S.N., R.N., Executive Director, State Board of Nursing, shared information on the waivers provided by the Board to allow licensees from other states to work in Nevada during the COVID-19 crisis ([Agenda Item V B](#)).

## **AGENDA ITEM VI—REPORTS FROM THE BOARD OF MEDICAL EXAMINERS AND THE NEVADA FUNERAL AND CEMETERY SERVICES BOARD REGARDING DELAY OF DEATH REPORTING**

Sarah A. Bradley, previously identified, presented comments on the discussion held between the Board of Medical Examiners and the Nevada Funeral and Cemetery Services Board to address concerns regarding the delay of death reporting raised during the June 30, 2020, Subcommittee meeting ([Agenda Item VI A](#)). Ms. Bradley acknowledged a need to provide more training and education to medical professionals on their responsibilities when a death occurs, especially in settings in which multiple doctors might be seeing the patient. She suggested this issue might be addressed by the State Board of Health, Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS), through regulation in [Nevada Administrative Code \(NAC\) 440](#). Ms. Bradley identified a related issue that also needs to be addressed—the potential for confusion as to who signs a death record if the attending physician is not available to sign.

Continuing, Ms. Bradley said the Board of Medical Examiners will forward any complaints about unclear policies at a medical facility that result in a delayed record to the Bureau of Health Care Quality and Compliance (BHCQC), DPBH, DHHS. Ms. Bradley stated all the entities involved in death reporting need to improve communication with each other in order to better respond to issues and concerns. She also stated Board staff will reach out to the BHCQC to make sure it is aware of the reporting issues and notify BHCQC that the Board will forward complaints about incidents that occur in hospital settings.

Ms. Bradley said she also discussed this issue with the NHA, at which time she was made aware of concerns with Nevada's Electronic Death Registry System (EDRS); according to the NHA, the EDRS is not always easy to access and is not user-friendly. Additionally, she stated the EDRS requires low computer security settings, which is concerning, and the NHA would like the EDRS to be improved. Ms. Bradley said she has not yet had an opportunity to speak with the Office of Vital Records, DPHB, DHHS, which maintains the EDRS, to convey the request of updating the system.

In response to a question from Chair Spearman, Ms. Bradley stated that, without having discussed the issue with DPBH, she presumes any delay in updating the EDRS is most likely due to a lack of funding.

Jennifer Kandt, Executive Director, Nevada Funeral and Cemetery Services Board, agreed with Ms. Bradley that communication could be improved between entities and said she now has a contact within the Board of Medical Examiners staff to whom she can forward specific complaints from funeral homes. Ms. Kandt provided information on the difficulties funeral homes have had with the EDRS ([Agenda Item VI B](#)). She explained the consensus among funeral directors is that the process could be much improved if the medical professional was required to sign for the cause of death before leaving the hospital. Ms. Kandt said the EDRS would probably have to be updated to accommodate this change. She mentioned she has heard about efforts to create a mobile application version of EDRS, and she will contact the Office of Vital Records to find out how long it will take to create the application.

**MOTION:** Vice Chair Jauregui moved to send a letter to the Board of Medical Examiners urging the Board to communicate to all its licensees through its: (1) newsletter; (2) website; and (3) outreach presentations regarding both registration in Nevada's Electronic Death Registry System and the required timelines for death reporting. The motion was seconded by Assemblyman Ellison and passed unanimously.

**MOTION:** Vice Chair Jauregui moved to send a letter to the State Board of Health urging the Board to consider clarifying by regulation who is responsible to sign the death certificate when multiple physicians and/or advanced practice registered nurses have provided care to a patient who later dies. The motion was seconded by Senator Brooks and passed unanimously.

**MOTION:** Vice Chair Jauregui moved to:

- Send a letter to the Nevada Hospital Association to raise awareness of the importance of timely death reporting and the requirements per [NAC 440.160](#) that all deaths be certified within 48 hours; and
- Send a letter to certain parties encouraging their continued discussion to improve the timeliness of death reporting, including increasing awareness that [SB 291](#) (2017) amended [NRS 440.470](#) to authorize the attending physician or attending advanced practice registered nurse to initiate the record of death and provide the required information at the time of death. This letter should be addressed to the:
  - State Board of Health ([NRS 439.030](#));
  - State Registrar of Vital Statistics ([NRS 440.110](#));
  - State Board of Nursing ([NRS 632.020](#));
  - Board of Medical Examiners ([NRS 630.050](#));
  - Nevada Funeral and Cemetery Services Board ([NRS 642.020](#));
  - State Board of Osteopathic Medicine ([NRS 633.181](#)); and
  - Bureau of Health Care Quality and Compliance, DPBH, DHHS.

The motion was seconded by Senator Brooks and passed unanimously.

Chair Spearman and Ms. Brown expressed hope that the Subcommittee's actions will help remove existing barriers and expedite the records process, especially for family members of military veterans who rely on their loved one's benefits in difficult economic times.

Assemblyman Ellison expressed frustration with the state's two veterans cemetery advisory committees, particularly the one in northern Nevada, not having enough board members present at meetings to form a quorum. He also expressed frustration with a lack of responsiveness to inquiries and suggested that more discussions about these advisory committees could be had with the Office of the Governor, perhaps even at the upcoming Nevada Occupational Licensing Study roundtable meetings mentioned in Agenda Item IV.

**MOTION:** Assemblyman Ellison moved to send a letter to the Advisory Committee for a Veterans Cemetery in Northern Nevada encouraging attendance and responsiveness by board members and the replacement of board members who do not participate.

Chair Spearman suggested the letter in the motion could be sent to Nevada's Department of Veterans Services (NDVS).

Assemblyman Ellison amended his motion to send a letter to NDVS urging recognition of this important issue.

The motion was seconded by Vice Chair Jauregui and passed unanimously.

Chair Spearman urged quick action to address this issue before it escalates further.

## **AGENDA ITEM VII—WORK SESSION**

### ***A. DISCUSSION AND POSSIBLE RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING, MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS***

Chair Spearman opened the work session and reminded the members that the Subcommittee is obligated to determine whether each of the boards or commissions under review should be terminated, modified, consolidated with another board or commission, or continued without changes. She suggested the way many boards have operated must be adjusted to more effectively serve the citizens of Nevada.

Jennifer Ruedy, previously identified, presented the work session document (WSD) ([Agenda Item VII](#)). She pointed out the Subcommittee is not authorized to present BDRs; however, it reports its recommendations to the Legislative Commission, which can then choose to submit BDRs on the Subcommittee's behalf.

#### **1. State Board of Parole Commissioners ([NRS 213.108](#))**

Ms. Ruedy explained the history of the [State Board of Parole Commissioners](#) and the Board's suggested statutory revisions ([Agenda Item VII](#)).

The Subcommittee members discussed the issue of public participation in parole hearings, specifically the lack of options for the public to provide comment. It was agreed that inmates should have more accommodations for supporters to speak on their behalf.



Eileen O’Grady, previously identified, said the Board has a specific exemption from certain sections of the state’s Open Meeting Law (OML) in [Chapter 241](#) of NRS—when acting to grant, deny, continue, or revoke parole—to be used at its discretion, but the Legislature could amend the exemption as it sees fit.

Christopher P. DeRicco, Chair, State Board of Parole Commissioners, explained that while regular Board meetings are subject to standard public comment rules under the OML, parole hearings are not. He mentioned the [Parole Hearing Participation & Testimony for Victims and Supporters](#) guide, revised July 31, 2019, which contains information on the parole hearing process. He shared that offenders are generally limited to one person speaking on their behalf, and the inmate is given the opportunity to decide who that person should be; however, the Board sometimes allows both an attorney and a family member to speak in support of an inmate. Mr. DeRicco stated one testifier can represent the opinions of multiple supporters. He said 12 to 15 individuals are typically reviewed at each hearing, so allowing multiple supporters to provide testimony would make it difficult to get through a full agenda. Mr. DeRicco said all hearings are video recorded and available to the public.

In response to additional questions and comments from Subcommittee members about the testimony period, Mr. DeRicco explained that when members of the public report to the Board’s office for a hearing, they are instructed to fill out paperwork and indicate whether they are present in support of or as a victim of an inmate. He stated the Board is aware of how many people attend in support or opposition, and the inmates are asked whether they would like one of the supporters to speak on their behalf. Mr. DeRicco emphasized the Board strongly encourages supporters to submit letters because they can be kept for documentation and are not subject to the same time constraint as live testimony.

The Subcommittee debated various ways of increasing the number of speakers in support of an inmate, including identifying categories of speakers such as clergy, family, and legal counsel.

Chair Spearman explained that poor persons, especially Black, Indigenous, and people of color are overrepresented in the prison system. She said faith leaders and other members of the community, such as a former military commander, might be able to offer a perspective on the character of the inmate that would otherwise be missed.

The Subcommittee members agreed that allowing multiple community members—not defined into specific categories—to testify, with a limit on the total amount of time per inmate, would be the fairest way to get a good picture of the inmate’s support system after their release.

Mr. DeRicco cited subsection 10 of [NRS 213.131](#) as the Board’s authority to allow a single representative supporter; if the Subcommittee would like to make a change, it would be most appropriate in that section of NRS. He cautioned that even if only 10 extra minutes of testimony were allowed per inmate on an agenda with 13 cases, more than 2 hours of extra time would be added to the meeting. If this happens, Mr. DeRicco stated the number of cases to be reviewed each day will likely need to be reduced. He added the Board currently has the ability to impose time limits on each speaker, but it does not usually use that power because of the limitation on the number of speakers. Mr. DeRicco reemphasized the value of submitting letters of support for inmates.

Responding to a question from Assemblyman Daly, Mr. DeRicco said time limits for victim testimony is controlled by Marcy’s Law, [Section 8A of Article 1](#) of the *Nevada Constitution*.

He stated any victim, as defined by the *Constitution* and [NRS 213.005](#), is allowed to provide testimony.

The Subcommittee debated whether the allowance for increased support testimony would be best placed in NRS or the Board's practices and procedures since it is exempt from adopting regulations.

Senator Pickard suggested the Board be requested to provide recommendations that address the issue either during the 2021 Legislative Session or the 2021–2022 Interim.

Mr. DeRicco invited Subcommittee members to attend the Board's hearings in Las Vegas on September 14 through 17, 2020, so they can form ideas for how they can be improved.

Ms. Ruedy noted any desired changes could possibly be amended into one of the bills proposed as BDRs for the Subcommittee's approval in this item.

On the advice of Ms. Rankin, Ms. O'Grady researched the third recommendation in this item and determined [Assembly Bill 542](#) (2019) allows the Fiscal Analysis Division, LCB, to look at whether a typographical error may have affected a position's title and maximum salary. She said that in addition to the letters already included in the recommendation, it would be appropriate to draft a letter directing the Fiscal Analysis Division to look at this position and request it be fixed by the Interim Finance Committee.

**MOTION:** Senator Pickard moved to continue the State Board of Parole Commissioners with the recommendations stated in the work session document to: (1) amend [NRS 213.1243](#); (2) amend [NRS 213.10885](#); and (3) send a letter requesting a change in the unclassified pay bill to reflect [NRS 213.1085](#). He further moved to send a letter to the Fiscal Analysis Division to request a review and possible report to the Interim Finance Committee on necessary adjustments to the executive secretary position mislabeled in AB 542. The motion was seconded by Senator Brooks and passed unanimously.

## **2. Nevada State Board of Veterinary Medical Examiners ([NRS 638.020](#))**

Ms. Ruedy provided background information about the [Nevada State Board of Veterinary Medical Examiners](#) ([Agenda Item VII](#)). She said the Board did not request any statutory changes.

**MOTION:** Vice Chair Jauregui moved to continue the Nevada State Board of Veterinary Medical Examiners without any changes. The motion was seconded by Senator Pickard and passed unanimously.

## **3. Board of Athletic Trainers ([NRS 640B.170](#))**

Ms. Ruedy shared background information about the [Board of Athletic Trainers](#) ([Agenda Item VII](#)). She said the Board did not request any statutory changes.

**MOTION:** Vice Chair Jauregui moved to continue the Board of Athletic Trainers without any changes. The motion was seconded by Assemblyman Daly and passed unanimously.



#### **4. Nevada Funeral and Cemetery Services Board ([NRS 642.020](#))**

Ms. Ruedy explained the history of the [Nevada Funeral and Cemetery Services Board](#) and some of the issues discussed during the Board's review hearing on June 30, 2020, ([Agenda Item VII](#)).

Ms. Ruedy described an additional issue which was discussed on June 30 but omitted from the WSD. She reminded Subcommittee members that in the previous meeting, Ms. Kandt explained an issue with the interstate transfer of decedents located in cities on the state border. As an example, Ms. Kandt said the closest funeral home to Laughlin, Nevada, is located in Bullhead City, Arizona, yet a decedent may not leave Nevada without a permit; the decedent must be transported a longer distance to reach a funeral home in Nevada. According to Ms. Kandt, a legislative change to facilitate the use of the closest funeral home, even if it is across the state border, would be appreciated by residents of Laughlin and other communities along Nevada's borders.

**MOTION:** Vice Chair Jauregui moved to continue the Nevada Funeral and Cemetery Services Board with the recommendations to eliminate the coursework requirement in subsection 3 of [NRS 642.080](#) and to facilitate the use of the closest funeral home to a decedent, even if it is across the state border. The motion was seconded by Assemblyman Daly and passed unanimously.

**MOTION:** Assemblyman Ellison moved to urge the Board to implement policies and procedures within its powers to improve the timeliness of death reporting so that death certificates are distributed to the necessary parties expeditiously. The motion was seconded by Vice Chair Jauregui and passed unanimously.

#### **5. Board of Medical Examiners ([NRS 630.050](#))**

Ms. Ruedy provided background information about the [Board of Medical Examiners](#) and the issues discussed at the previous Subcommittee meeting ([Agenda Item VII](#)). She said the Board did not request any statutory changes.

Chair Spearman expressed a desire to make sure the license application process is not unduly prolonged in nonemergency times. She also expressed concern that public safety is not being protected due to the lack of vetting of medical practitioners under the emergency waiver program. Chair Spearman said she anticipates the COVID-19 emergency could last for some time, and it would not be good to have people practicing medicine for a year or more without being vetted.

Vice Chair Jauregui agreed with Chair Spearman's concern about ensuring public safety.

Assemblyman Daly reminded the Subcommittee that some of the relevant emergency statutes were enacted before the October 1, 2017, shooting in Las Vegas, and they worked well in that short-term situation. However, he pointed out that an emergency lasting several months—such as COVID-19—was not anticipated in the original legislation. He said the state needs to be able to respond quickly to emergencies, but there should be some review if the emergency lasts longer than a determined period. If the emergency lasts longer than 30 days, for example, Assemblyman Daly suggested the practitioners using the waiver should be subject to a vetting process.

Ms. Brown agreed with Assemblyman Daly, and she cautioned against having identical emergency and nonemergency vetting processes. She said developing one process for both periods could limit the ability to respond in an emergency.

Chair Spearman supported Assemblyman Daly's suggestion of establishing a vetting process in the case of an emergency lasting more than 30 days.

Ms. Ruedy said she is not certain that a vetting process for waiver holders is compatible with Emergency Directive 11.

Ms. O'Grady said no requirement for vetting after a certain time is currently in statute, but such a provision could be added.

Chair Spearman said a time period should be determined in consultation with the Board and suggested the concept could be made in to a BDR.

Senator Brooks asked whether the suggested proposal would amend the governor's emergency powers or require some action if an emergency directive affects licensure.

Chair Spearman expressed frustration that some people may have been practicing medicine in the state since March without being vetted, and that the situation may continue for an unknown period of time. She said the governor has a right to issue an emergency declaration, but should that emergency period last for a long time, the Board should have a process in place to verify the credentials of medical practitioners. Chair Spearman said she does not intend to amend the governor's authority, but she would like to see a way for the Legislative Branch to ensure public safety.

Ms. Rankin talked about a directive issued in New York that allowed medical volunteers to practice in the state for a few months, but required evaluation or reapplication to the program after that period. If the COVID-19 emergency lasts for several years, she said it would not be sensible to have practitioners still working on an unevaluated waiver.

Ms. Rankin said a combination of options might be available to encourage Governor Sisolak to reinstate the licensure waiver or to amend the emergency powers in NRS to include time limits for when a directive has to be renewed or reevaluated.

Senator Brooks said the governor's emergency powers are contained in [Chapter 414](#) of NRS, which he is opposed to changing in the middle of a declared emergency. He further stated his opposition to changing an executive order through a statutory adjustment.

Senator Brooks said if the emergency continues for a long time, the emergency powers should be examined, but they should not be addressed by this Subcommittee. He sees the issue of streamlining the licensure process as separate from the debate about the governor's emergency powers.

In response to Senator Brooks's comments, Chair Spearman said she was not proposing to change Chapter 414 of NRS during the current pandemic, but she suggested there could be a possibility of making a change for the next emergency. Additionally, she expressed concern with the potential legal implications of medical malpractice committed by persons whose qualifications do not match what they claimed on the waiver application.

Ms. Brown said Chair Spearman's concern is a primary one for medical facilities, which go to great lengths to evaluate people they hire. However, she said the practitioners on the waiver are not actually "hired," because they are technically only "assisting" on a temporary

basis. Ms. Brown claimed medical facilities do not want to hire people who cannot be verified.

Chair Spearman reemphasized her concern that the state and other entities could be open to litigation based on a person practicing under the waiver, but she withdrew her suggested change to require vetting waiver participants if an emergency lasts longer than 30 days.

**MOTION:** Vice Chair Jauregui moved to continue the Board of Medical Examiners without any changes. The motion was seconded by Senator Brooks and passed unanimously.

## **6. Colorado River Commission of Nevada ([NRS 538.051](#))**

Ms. Ruedy provided background information about the [Colorado River Commission](#) of Nevada ([Agenda Item VII](#)). She said the Commission did not request any statutory changes.

**MOTION:** Senator Brooks moved to continue the Colorado River Commission of Nevada without any changes. The motion was seconded by Assemblyman Ellison and passed unanimously.

## **7. Real Estate Commission ([NRS 645.050](#))**

Ms. Ruedy shared background information about the [Real Estate Commission](#) ([Agenda Item VII](#)). She said the Commission did not request any statutory changes.

Senator Pickard described additional discussions he had with the Commission after the June 23, 2020, Subcommittee meeting. He reported the Commission issues a cooperative broker certificate to allow out-of-state brokers to work with local brokers; this is limited only to out-of-state buyers, and it does not allow an in-state buyer to work with an out-of-state broker, if one is preferred. Senator Pickard said this practice could be problematic for large commercial developers who are accustomed to using a set group of brokers and support staff in a single office to do their work across the country. He said there is some debate on whether the Commission should focus on extending the ability for cooperating brokers to work with local developers. If this happens, he questioned whether it should be limited to a transaction basis.

In contrast, Senator Pickard explained the Commission could be required to develop full license reciprocity as mandated in [SB 69](#) (2017), which required all regulatory boards and commissions to expand the practice. He said the Commission has not gone as far in developing these reciprocity measures as was envisioned by the Legislature. Senator Pickard said no conclusions have been reached, but he suggested asking the Commission to report back to the Subcommittee with a recommendation for the appropriate next step to further the intent of the reciprocity legislation.

Sharath Chandra, Administrator, Real Estate Division, Department of Business and Industry (B&I), agreed with the points made by Senator Pickard.

**MOTION:** Senator Pickard moved to continue the Real Estate Commission with the request that the Commission report back with a recommendation on how to more fully implement [SB 69](#) (2017), including any necessary adjustments to [NAC 645.185](#) and the current cooperative broker certificate. The motion was seconded by Assemblyman Ellison and passed unanimously.

## **8. Commission of Appraisers of Real Estate ([NRS 645C.180](#))**

Ms. Ruedy provided background information about the [Commission of Appraisers of Real Estate \(Agenda Item VII\)](#). She said the Commission did not request any statutory changes.

**MOTION:** Senator Pickard moved to continue the Commission of Appraisers of Real Estate without any changes. The motion was seconded by Senator Brooks and passed unanimously.

## **9. Appraisal Advisory Review Committee ([NRS 645C.180](#), [645C.210](#), and [Nevada Administrative Code 645C.600](#))**

Ms. Ruedy gave background information about the [Appraisal Advisory Review Committee \(Agenda Item VII\)](#). She said the Committee did not request any statutory changes.

Senator Pickard asked about the hours of continuing education increasing from 59 hours in 2019 to 141 in 2020, as indicated on page 8 of the WSD.

Mr. Chandra, previously identified, said the Committee hears disciplinary cases and makes recommendations to the Commission of Appraisers of Real Estate because the technical nature of the cases often can be best adjudicated in the Committee setting. If the offense is sufficiently egregious, he stated the case is sent to the full Commission. Mr. Chandra said most of the Committee's recommended disciplinary actions are to assign continuing education above the normal education requirements. He explained the 141 hours are the additional hours assigned in the disciplinary review in 2020.

**MOTION:** Senator Pickard moved to continue the Appraisal Advisory Review Committee without any changes. The motion was seconded by Vice Chair Jauregui and passed unanimously.

## **10. Advisory Council on Mortgage Investments and Mortgage Lending ([NRS 645B.019](#))**

Ms. Ruedy provided background information about the [Advisory Council on Mortgage Investments and Mortgage Lending \(Agenda Item VII\)](#). She said the Council did not request any statutory changes.

**MOTION:** Vice Chair Jauregui moved to continue the Advisory Council on Mortgage Investments and Mortgage Lending without any changes. The motion was seconded by Senator Pickard.

Chair Spearman asked how increased unemployment due to COVID-19 has impacted mortgage lending.

Jonathan T. Gedde, Vice Chair, Advisory Council on Mortgage Investments and Mortgage Lending, Division of Mortgage Lending, B&I, said the pandemic has caused a lot of changes. He praised the responses of the federal mortgage agencies, including the Federal Housing Finance Agency; the U.S. Department of Veteran's Affairs; and the Federal Housing Administration, U.S. Department of Housing and Urban Development, to allow for automatic forbearance of mortgage payments for six months, if so requested. He explained that if a person needs more time at the end of the six months, the extension can be automatically approved for six additional months. Mr. Gedde stated that people who are struggling have up to one year before they face any serious repercussions, provided they have a federally

backed or insured mortgage. Mr. Gedde said the majority of mortgage loans are federally backed or insured.

In response to Chair Spearman's question about requests for modified payments, Mr. Gedde said individuals are given several options at the end of their forbearance period: (1) become current with all payments; (2) make up the missed payments over a period of time negotiated with the mortgage service officer; and (3) move the amount to the back of the loan so it is paid off at the end of the original loan term. In the last option, he noted the standard monthly payments would continue until the arrearages are paid.

Assemblyman Ellison asked whether the same allowances were also granted to commercial mortgages.

Mr. Gedde said his area of expertise is residential mortgages. He explained only a small percentage of commercial loans are federally backed; most commercial properties are under private jurisdiction, so it is up to the individual lender to work with the mortgage holder to modify or grant any easing of the original "no terms" agreement.

Assemblyman Ellison said some smaller entities have both state and federal loans that go through the banking system, but they still have to follow the federal guidelines to match funding. He said he would check on the names of specific banks.

Mr. Gedde said he could reach out to his contacts in the mortgage bankers association, but questions about commercial loans, in general, are difficult to answer because they are so broad.

Chair Spearman voiced her concern that people's inability to pay their mortgages might affect the portfolios of certain investors and the economy's ability to recover.

Assemblyman Ellison said Governor Sisolak's extension of the eviction moratorium would cause a hardship for certain small businesses, and some of these businesses may file for bankruptcy if no financial assistance is offered.

Chair Spearman responded that [H.R. 6800](#) (116<sup>th</sup> Congress), the Health and Economic Recovery Omnibus Emergency Solutions Act—commonly known as the HEROES Act—which seeks to provide financial relief to the people of the United States, has been stalled in the U.S. Senate. She also said if more people wore masks, the pandemic could be slowed.

The previous motion passed unanimously.

## **11. Commission to Study Governmental Purchasing ([NRS 332.215](#))**

Ms. Ruedy shared background information about the [Commission to Study Governmental Purchasing \(Agenda Item VII\)](#). She said the Commission requested a statutory change to grant it authority to request up to two bill drafts.

Chair Spearman asked whether any protocols are in place to ensure small and minority-owned businesses are included in the government purchasing process and given the opportunity to be part of the supply chain.

Jim Haining, Co-chair, Commission to Study Governmental Purchasing, explained that while each purchasing entity has its own policies, all are allowed to award contracts up to \$50,000 with only one quote. He said this gives agencies a greater opportunity to source to

small and minority-owned businesses. Mr. Haining commented that during the pandemic, many purchasing departments have advertised contract opportunities on the Nevada Government eMarketplace [website](#) so all businesses can submit quotes. He said the entity he works for has had more small and minority-owned businesses participate in the quote process than in the past.

Assemblyman Daly clarified that the Commission does not award or purchase anything; each Commission member represents a distinct purchasing entity that awards contracts, separate from the Commission. He explained the Commission is a group of purchasing agents who come together to review purchasing laws, and all of the purchasing requirements, including those for minority outreach, are already in statute and are followed by the distinct constituent entities.

In response to several questions by Chair Spearman, Mr. Haining said there is nothing in statute that specifically requires purchasing from small and minority-owned businesses; instead, all businesses are provided the same opportunity to bid for a contract. He added that purchasing agencies are required by law to advertise in newspapers, but most also post on a website.

Senator Pickard explained the Commission is charged with recommending legislative changes, but it does not have the opportunity to ask for bill drafts from a sponsoring executive agency. Therefore, he suggested the Commission should be given the ability to make requests directly.

Assemblyman Daly said he does not support giving the Commission BDRs. He stated the authority was proposed in [AB 86](#) (2019), but it was removed before final passage of the bill. Assemblyman Daly said the constituent entities have various options through which to request BDRs if the Commission wants to make statutory changes.

Ms. Rankin suggested [NRS 332.215](#) could be changed to authorize the Commission to submit BDRs through the Purchasing Division, Department of Administration.

Mr. Haining clarified that because the Purchasing Division is a separate entity governed by a different section of statute, the Commission is not always able to coordinate with the Division to secure a BDR. He explained the Commission recently went over eight years without a BDR. Mr. Haining reported the Commission members agree the Commission could be dissolved if it is not granted the ability to request BDRs. If it is dissolved, Mr. Haining said the Commission members could continue to meet informally through their professional association as local government purchasing agents, and they could request bills through their respective entities.

Senator Pickard did not agree with the idea of requiring the Commission to work through the Purchasing Division to submit a BDR. He said a conflict of interest could occur if the Commission wanted to propose a BDR for an idea the Division did not want to implement. He reiterated his support to grant the Commission the authority to request BDRs in order to preserve its autonomy.

Chair Spearman agreed with Senator Pickard. She also asked what could be done to make sure small and minority-owned businesses are considered in the purchasing process and to ensure outreach to those groups is being performed. Chair Spearman said absent legislation requiring contracts to include small and minority-owned businesses, those businesses will be excluded.



Ms. Brown and Chair Spearman both wondered how Nevada's rules compare to those in other states. They said it would be helpful to know how Nevada ranks in order to make any changes needed to improve equality for all businesses.

Senator Pickard said he would be open to granting the Commission one or more BDRs if the Subcommittee so desires.

Chair Spearman said she would entertain a motion to give the Commission two BDRs.

Senator Pickard offered to make the motion for two BDRs. He asked whether the Chair would like to formally include a request that the Commission provide information on how other states have increased bidding for minority-owned businesses. Senator Pickard suggested the information could be included in the Commission's next study and report.

Chair Spearman agreed she would like to know how other states are ensuring the contract bidding process is equitable across all communities, including how they are able to involve small and minority-owned businesses at every level of the process. She asked that a future BDR be used to make any needed statutory changes to ensure certain diversity criteria are met for every purchase.

Mr. Haining informed the Subcommittee that most of the members of the Commission are members of the Regional Business Development Advisory Council for Clark County, which publishes a biennial report on human resource and purchasing statistics for all of the government entities in southern Nevada. He said the next report, covering the last two fiscal years, will be delivered to the Legislature in January 2021, and it will contain the requested minority statistics broken down by agency. However, Mr. Haining advised, the report is produced separately from the Commission.

Senator Pickard said he would amend his motion to remove the request for a report since it would duplicate the work of the Regional Business Development Advisory Council for Clark County.

**MOTION:** Senator Pickard moved to continue the Commission to Study Governmental Purchasing with the recommendation to grant the Commission the authority to request up to two bill drafts per legislative session. The motion was seconded by Vice Chair Jauregui.

Assemblyman Daly restated his reasons for voting against the motion. He said the current statutes are sufficient in their requirements of outreach to minority groups. He further stated the suggested barriers do not exist; there are opportunities for minority participation in government purchasing, but the bids must still be competitive. Assemblyman Daly said any additional requirements will turn into quotas, and the agencies will have to explain why they did not choose the proposal from a minority-owned business.

The motion passed. Assemblyman Daly voted no.

## **12. State Apprenticeship Council ([NRS 610.030](#))**

Ms. Ruedy provided background information about the [State Apprenticeship Council \(Agenda Item VII\)](#). She said the Council did not request any statutory changes.

Assemblyman Ellison stated the rural areas of the state have had issues with new apprenticeship requirements for public works projects. He said the requirements are cumbersome and are not workable for the types of projects and businesses in rural Nevada.



Assemblyman Ellison said either the required percentages should be adjusted or the requirements should only apply in the urban areas of the state.

Senator Brooks clarified that he was the sponsor of [SB 207](#) (2019), the legislation to which Assemblyman Ellison referred, and it has nothing to do with the Council.

Assemblyman Daly explained that the Council regulates and approves apprenticeships, but SB 207 is administered by the Office of Labor Commissioner, B&I, under a different area of statute.

**MOTION:** Senator Brooks moved to continue the State Apprenticeship Council with an expression of support that the Council continue to work on implementing the changes suggested at the May 4, 2020, Sunset Subcommittee meeting as summarized in the bullet points on page 10 of the Work Session Document. The motion was seconded by Vice Chair Jauregui.

Senator Pickard asked whether the motion includes reconciliation between the two sections of NAC mentioned in the first bullet point on [page 10 of the WSD](#).

Senator Brooks opined the conflict has been resolved, according to the WSD, but he wanted to include the discussion items in his motion in order to memorialize them.

Richard J. Williams, State Apprenticeship Director, OWINN, Office of the Governor, confirmed the Council has reviewed the NAC and resolved the confusion.

Assemblyman Daly clarified that the bullet points are just a summary of the previous discussion. He said the motion only needs to be to continue the Council with no recommended changes.

Senator Brooks said at least two of the bullet points are suggestions that the Council continue with a behavior that does not require a statutory change. His motion is that the Council continue and that it implement those suggestions.

The previous motion passed unanimously.

### **13. Advisory Committee to Study Laws Concerning Sex Offender Registration ([NRS 179D.132](#))**

Ms. Ruedy shared background information about the [Advisory Committee to Study Laws Concerning Sex Offender Registration \(Agenda Item VII\)](#). She said representatives of the Office of the Attorney General (OAG) recommended the Committee be consolidated with the Advisory Commission on the Administration of Justice (ACAJ) and/or the Nevada Sentencing Commission, Department of Sentencing Policy.

Vice Chair Jauregui asked whether the state would still be compliant with federal sex offender registration requirements if the Committee was terminated or consolidated with one of the mentioned Commissions. She also asked which Commission the Committee's responsibilities would be best consolidated into and whether one of the Commissions has already assumed the Committee's study responsibilities.

Katie Brady, Deputy Attorney General, OAG, said federal compliance is not contingent on the existence of this Committee. She said sex offender registration laws are tied to other laws concerning offender supervision, including lifetime supervision, which fall largely under

the purview of the ACAJ, but the Sentencing Commission handles some of these issues as well. While neither Commission has a direct mandate to study sex offender laws, Ms. Brady stated their statutory authority is broad enough to cover the registration of sex offenders. She said the OAG recommends the Committee be moved within either of the named Commissions in part because the Department of Corrections; Division of Parole and Probation, Department of Public Safety (DPS); State Board of Parole Commissioners, DPS; and DPS in general do not have seats on the current Committee, but they are on the two Commissions. Ms. Brady explained these organizations can speak to practical aspects of implementing the registration laws that are not currently heard in the Committee. She did not express a preference as to which Commission the duties should be transferred.

**MOTION:** Vice Chair Jauregui moved to terminate the Advisory Committee to Study Laws Concerning Sex Offender Registration and consolidate it with either the Advisory Commission on the Administration of Justice or the Nevada Sentencing Commission based upon the recommendation of the Office of the Attorney General as to which Commission will be the most appropriate option. The motion was seconded by Senator Brooks.

Senator Pickard asked whether the Subcommittee should make a specific recommendation as to which of the Commissions is the most appropriate option.

Vice Chair Jauregui explained her motion is to leave the decision to the OAG.

The motion passed unanimously.

#### **14. State Board of Cosmetology ([NRS 644A.200](#))**

Ms. Ruedy gave background information about the [State Board of Cosmetology \(Agenda Item VII\)](#). She said the Board did not request any statutory changes.

**MOTION:** Senator Pickard moved to continue the State Board of Cosmetology without any changes. The motion was seconded by Vice Chair Jauregui and passed unanimously.

#### **15. State Barbers' Health and Sanitation Board ([NRS 643.020](#))**

Ms. Ruedy provided background information about the [State Barbers' Health and Sanitation Board \(Agenda Item VII\)](#). She informed the Subcommittee that as of July 2020, Royal Byron was appointed to replace Nathaniel LaShore, who had served on the Board for 30 years. Ms. Ruedy explained that while the Board did not request any statutory changes, the discussion at the February 21, 2020, Subcommittee meeting covered many areas in which the Board should improve.

Ms. Ruedy noted the Board has been making efforts to comply with some of the Subcommittee's recommendations. At the Board's May 31, 2020, meeting—held in Las Vegas at Masterpiece Barber School—the Board voted to hire Continental Management Consultants to update the Board's website to allow for increased online accessibility, including an option to pay fees electronically with a credit card. According to the meeting minutes, she reported the estimated cost of the update is \$8,000 to \$12,000.

Referring to the last bullet point on [page 13 of the WSD](#), Ms. Ruedy clarified the testing schedule set forth in [NAC 643.450](#) is just for the instructor's license examination. She stated a citation for [NRS 643.100](#) should have been included instead, as it requires the Board to conduct examinations not less than three times each year for: applicants for licenses as a barber, applicants for licenses as an apprentice, and applicants to enter barber schools.

Ms. Ruedy noted the Board has set a schedule of examinations every other month, but that practice does not appear in regulation—it appears the Board is offering the examination more frequently than what is required in NRS 643.100.

The Subcommittee members agreed the Board is passionate about its role, but changes need to be made, especially in regards to the frequency of license testing. They discussed the possibility of consolidating the Barbers' Board with the State Board of Cosmetology if the Cosmetology Board is prepared to take on the additional burden. At the same time, Subcommittee members agreed any changes should not put any unnecessary strain on current Barbers' Board licensees.

Antinette Maestes, Secretary/Treasurer, State Barbers' Health and Sanitation Board, provided updated information on licensees. She said there are currently 1,618 licensed barbers—including 148 veterans and 419 women—392 barber shops; 14 licensed instructors; and 4 schools, with another in development. Ms. Maestes said the new web developer has advised her the updated website will be running by the end of September 2020, which will allow people to renew their licenses, schedule exams, and complete all other transactions online. She said the testing schedule has been increased to every other month. Ms. Maestas added an exam had to be postponed when businesses were closed due to COVID-19, but it was rescheduled as soon as things opened again. She affirmed the Board is working to implement the suggestions made during the Subcommittee's February 21 meeting.

Gary K. Landry, Executive Director, State Board of Cosmetology, said the Board is ready to take on any new services as required by law, and it has sufficient staff to do so without any problems.

Mr. Landry responded to questions from the Subcommittee about the Cosmetology Board's capacity to take on the additional role and its compatibility with current barber industry standards. He said the courses for potential licenses are basically identical, except for shaving, which cosmetologists do not perform. Mr. Landry also said it would not be difficult to combine the laws governing each board into a joint set of rules governing barbers and cosmetologists. He explained the Cosmetology Board processes 3,000 new licensees each year, in addition to renewing current licenses, so adding the relatively small number of Barbers' Board licensees would not be a problem.

Senator Brooks acknowledged the individual histories and cultures of each profession lend themselves to having separate boards, but he agreed the long licensing process is a problem. He asked how long an applicant has to wait from the time a request is submitted to when the test is administered. Senator Brooks also asked whether there are any plans to facilitate more rapid testing without having a negative financial impact on current licensees.

Ms. Maestes said the Board has acknowledged the need to test more frequently; however, the demand does not currently exist. For example, she said there are no current applications to become an instructor, but exams are scheduled whenever an application is received. Ms. Maestes said the tests for licensure are currently scheduled to be held every other month, and three applicants are waiting for the next test, which will be held on October 4, 2020. She also said the Board works with the barber schools to provide the tests according to demand. Ms. Maestes explained once the person passes the test, the license is issued within a couple of days. She further explained applications for a license by endorsement on an out-of-state license are usually completed within a day.

Vice Chair Jauregui said potential barber licensees might be well served by a larger board. She said it appears the Barbers' Board mostly needs organization and asked for additional details on what the website will offer and whether license fees will increase to cover the cost of the web development.

Ms. Maestes replied the website should be available within 30 days of September 2, 2020. Once the site is working, she stated all transactions—including scheduling an exam, renewing licenses, submitting a new barbershop application, and paying for such transactions—will be completed online. Ms. Maestes reported the fees will remain at \$30 per year.

Assemblyman Ellison acknowledged the Barbers' Board's efforts to make the recommended changes regarding a website put forth by the Sunset Subcommittee. He suggested it is only fair to allow the Board a period of time to comply with the Subcommittee's recommendations or risk being consolidated with the Cosmetology Board.

Chair Spearman expressed frustration that meetings are held in a barbershop instead of a professional environment with better public access. She also explained her disappointment with the lack of online access to meetings, especially during the current pandemic. Chair Spearman opined all boards should primarily hold their meetings online and can do so easily through videoconferencing.

Ms. Maestes said the dimensions of the current meeting space are sufficient to ensure compliance with social distancing requirements for in-person Board meetings, but they could be held in the Grant Sawyer State Office Building, if so requested. She explained that the Board now offers the ability to participate in meetings via teleconference.

In response to a question from Ms. Brown, Ms. Maestes said the license tests are held on Sundays because that is the day the barber school, in which the tests are held, is closed, and the Board wants the tests to be administered in a barbershop setting.

When asked by Chair Spearman to provide the Cosmetology Board's solutions to these same issues, Mr. Landry said students complete a practical test at the cosmetology schools, then come to the Board office to take the other parts of the license exam. The Board office has classroom-like testing stations for the administration of these sections. He noted this is different from the Barbers' Board, which holds every portion of its exams at the school. Mr. Landry said the Cosmetology Board provides testing for both regular and instructional licenses about seven times per day, and there are no restrictions on when someone can take the test. He explained the Board has held its meetings via the Zoom videoconferencing application since the governor's emergency declarations were issued. Mr. Landry said the Board normally holds its meetings at the Grant Sawyer building and will do so again when the emergency regulations are lifted.

The Subcommittee members expressed support for the Barbers' Board's efforts to comply with the suggestions from the previous meeting. They agreed the Board should be given sufficient time to implement the suggested changes, and if it is not able to make the adjustments within a satisfactory amount of time, the Board could be reevaluated for consolidation. Subcommittee members suggested various timelines, including requesting the Board reappear before the Subcommittee during the 2021–2022 Interim or requiring a report to the 2021 Legislature.

Senator Pickard said he would like to see the Barbers' Board request assistance from the Cosmetology Board to help it adopt good practices.

Chair Spearman reemphasized her disappointment with the Barbers' Board's lack of virtual access to meetings, especially during the pandemic. She stated she would like the Board to be more transparent about its role and how it conducts its business and improve public access to meetings. She supported Senator Pickard's idea of a mentor relationship between the Cosmetology Board and the Barbers' Board.

In response to a question from Ms. Maestes, Mr. Landry explained the Cosmetology Board developed its own instructor test, had it certified by a national entity, and administers it on the Board's computers.

Ms. Maestes requested a list of all the issues the Subcommittee would like the Board to address and a time frame in which to complete the work.

Chair Spearman said she would like to see the Board submit a progress report to the Legislature prior to the 2021 Session and be ready to report on its progress to the Subcommittee during its first meeting of the 2021-2022 Interim.

Assemblyman Ellison indicated if the Board is not compliant by the start of session, it would be appropriate to address the consolidation during the session, instead of waiting until next interim. He said the biggest problem is testing, and if the Barbers' Board works with the Cosmetology Board, it should be able to implement the necessary changes quickly.

Senator Pickard asked for Ms. O'Grady's input on whether the motion could be framed to have the Legislature make a decision after a February report is issued.

Ms. O'Grady explained that a BDR will be required to consolidate the Boards. She agreed the BDR could be introduced during the session if the February report is not satisfactory.

**MOTION:** Senator Pickard moved to continue the Board with the following stipulations:

- Require the Barbers' Board to report to the Legislature on or before the first day of the 2021 Session on its progress regarding:
  - Compliance with the recommendations made at the February 2020 Sunset Subcommittee meeting;
  - Progress with website development, including allowing for online payment and modernization of practices;
  - Cooperation with the State Board of Cosmetology; and
  - Increased frequency of testing and licensing, preferably to on-demand; and
- Require the Board to report back to the Sunset Subcommittee during the 2021-2022 Interim on its progress.

The motion was seconded by Assemblyman Ellison.

Senator Brooks agreed with the motion. However, he stated he wanted to make the distinction between the two Boards clear. Senator Brooks emphasized there are many differences between the business models and cultures of the two professions.

Chair Spearman agreed with Senator Brooks that these professions are not the same. She named Georgia, Kentucky, Missouri, and Oklahoma as potential models to follow in addressing this issue. Chair Spearman emphasized that this discussion is focused on consolidating the protocols for training and licensing without interfering with the different business models. She said the purpose is not to consolidate cultures, but to look for ways to help the Barbers' Board become more efficient, accessible, and modernized in a way that will ultimately benefit the clients.

The motion passed unanimously.

Chair Spearman requested the executive directors of both Boards get together as quickly as possible to determine how the mentor-mentee relationship will work and submit a plan in writing to the Subcommittee so the members can be made aware of what will happen in the interim before February 2021.

***B. DISCUSSION AND POSSIBLE RECOMMENDATIONS RELATING TO INCREASING THE DIVERSITY OF MEMBERS OF CERTAIN REGULATORY BODIES***

Ms. Ruedy reviewed the [recommendation](#) regarding diversity from the WSD ([Agenda Item VII](#)).

Chair Spearman said the purpose of this recommendation is to increase outreach and awareness between regulatory bodies and minority communities. She reminded the Subcommittee that [Senate Concurrent Resolution 1](#) (2020) of the 32<sup>nd</sup> Special Session declared racism to be a public health crisis. Chair Spearman declared regulatory bodies cannot be allowed to continue using the excuse that their governing boards are not diverse because their leaders do not know qualified members of minority communities who could fill future leadership roles. She opined that members of boards and commissions need to be better; they need to be more inventive and intentional in their outreach to minority communities.

Senator Pickard agreed there is no reason not to reach out to the regulatory bodies to encourage them to reflect the community.

Ms. Brown said new leaders need to be trained, regardless of their background, and entities should be willing to provide extra training if required. She has observed that people become comfortable and complacent with current situations, but they should learn the necessary patience to acquaint qualified applicants with any additional things they might need to know in order to fill a position.

Chair Spearman suggested that a lack of diversity and representation on an executive body makes the entire organization poorer in its intellectual and professional capacities, and regulatory bodies need to better represent the population of Nevada.

**MOTION:** Senator Pickard moved to approve the recommendation as stated in the WSD. The motion was seconded by Assemblyman Ellison and passed unanimously.

***C. DISCUSSION AND POSSIBLE RECOMMENDATIONS RELATING TO COMPLIANCE WITH AND COMMUNICATION OF CONTROLLING HEALTH STANDARDS RELATED TO COVID-19 BY CERTAIN REGULATORY BODIES***

Ms. Ruedy reviewed the [recommendation](#) relating to compliance with and communication of controlling health standards related to COVID-19 from the WSD ([Agenda Item VII](#)).

Chair Spearman said until the COVID-19 emergency passes, in-person meetings are not prudent when the ability to hold virtual meetings is readily available. She said she would like all of the regulatory bodies to follow the most stringent standards in order to help bring the disease under control.

Senator Brooks and Chair Spearman debated the meaning of “controlling health standards” in the context of the letter. They agreed that much of the standard depends on the size and capacity of the room and its corresponding ability to provide for socially distanced seating. They also agreed the letter should instruct and encourage the regulatory bodies to comply with the controlling health standards.

Chair Spearman asked whether it would be possible to make the limitations stricter, such as requesting that meetings be held virtually.

Senator Brooks said the Subcommittee does not have the authority to impose further restrictions.

Chair Spearman said her intent is to avoid a situation in which too many people meet in a small room.

**MOTION:** Vice Chair Jauregui moved to approve the recommendation as stated in the WSD. The motion was seconded by Senator Brooks and passed unanimously.

***D. DISCUSSION AND POSSIBLE RECOMMENDATIONS RELATING TO THE NEVADA BOARD OF HOMEOPATHIC MEDICAL EXAMINERS ([NRS 630A.100](#))***

Ms. Ruedy reviewed the [recommendation](#) regarding the Nevada Board of Homeopathic Medical Examiners from the WSD ([Agenda Item VII](#)).

Instead of sending another letter, Senator Pickard suggested that more decisive action should be taken towards transferring the Board’s responsibilities to another entity. He mentioned he was a member of the 2017–2018 Sunset Subcommittee, which decided to dissolve the Board and transfer its responsibilities to the State Board of Health, DPBH, DHHS. Senator Pickard expressed his opinion that it would not be prudent to repeat the same process from the previous legislative cycle. He questioned the authority of the current Board members, who are only serving in a custodial role, to make any changes or resolve issues, such as the debt owed to the OAG. Senator Pickard supported the idea of advancing a BDR for consolidation, not to eliminate the practice of homeopathic medicine, but as a way to encourage action that will advance the best interests of the patients, help resolve the bill with the OAG, and motivate certain people to step up and assume the responsibilities of the Board.

Assemblyman Daly and Vice Chair Jauregui expressed their support of a BDR for consolidation with the State Board of Health, which will force the Board to come to the Legislature and argue its case for continuation.

Assemblyman Ellison questioned the current collection of licensing fees and how that money will be transferred to whichever entity acquires the Board’s responsibilities.

Senator Pickard recalled that the OAG said it would not transfer the debt to the Board of Health; while the OAG would appreciate getting paid, it has absorbed the cost as an outstanding receivable.



Elliot Malin, M.P.A, Principal and President, EM Inc., representing the Nevada Board of Homeopathic Medical Examiners, confirmed Governor Sisolak has not appointed replacement members of the Board.

Responding to Senator Pickard's question regarding the authority of the custodial Board members, Mr. Malin said statute stipulates that members of the Board continue until replacements are appointed by the governor. He noted that an OAG opinion provided that past members may continue to serve in a custodial manner per [NRS 630A.120](#), but an LCB opinion stated they cannot. Mr. Malin said he spoke with Dr. Bruce Fong, past President of the Board, about getting further clarification on the issue. He also said a plan to repay the debt to the OAG has been developed, but it will not be implemented until a decision is made about the Board members' authority. Mr. Malin reported the current Board members would like to fully implement SB 98 and move forward with improving the function of the Board.

Senator Pickard said perhaps it would not make sense to end the Board, considering the efforts being made to move forward and implement SB 98. However, he suggested the Subcommittee should move forward with a recommendation of consolidation with the State Board of Health if new Board members are not appointed and affirmative steps to address the existing issues are not taken. He stated this recommendation would create a clear path forward without putting the work off until the 2021–2022 Interim and 2023 Session.

**MOTION:** Senator Pickard moved to require that the Nevada Board of Homeopathic Medical Examiners report to the Legislature on or before the first day of the 2021 Session regarding its progress implementing the provisions of [SB 98](#) (2019). He further moved to recommend a bill draft be requested in case the report does not indicate that the provisions of SB 98, including the appointment of new board members to replace all members serving at the time the legislation was enacted, have been completed. Such a BDR would terminate the Board and transfer the responsibility for regulating the practice of homeopathic medicine to the State Board of Health as proposed in SB 98, as introduced. The motion was seconded by Assemblyman Daly and passed unanimously.

Chair Spearman stated regulatory boards exist to serve people in certain professions, and if they are not functioning efficiently and effectively, they become a hindrance to economic development because skilled people cannot work in their field. She said while the OAG has absorbed the cost of the Board's mistakes, they are ultimately a cost to Nevada's citizens.

In response to Assemblyman Ellison's request for clarification, Senator Pickard affirmed that the recommendation is to consolidate, while still providing the Board an opportunity to present to the Legislature reasons why consolidation may not be in the best interest of the state. He said the recommendation also allows for the ability to move forward if the appropriate steps have not been taken.

Chair Spearman said this motion is similar to that made for the State Barbers' Health and Sanitation Board in that it provides an opportunity to make changes but also allows for consolidation to happen before the next interim, if needed.

Mr. Malin said he would stay in contact with the Subcommittee and update the members on any further progress. He will be in communication with the Board, the OAG, and the Office of the Governor on the various pieces that need to happen.

## **AGENDA ITEM VIII—PUBLIC COMMENT**

Chair Spearman called for public comment.

There was no public comment.

## **AGENDA ITEM IX—ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 3:51 p.m.

Respectfully submitted,

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Steven Jamieson

Research Policy Assistant

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Jennifer Ruedy

Chief Principal Policy Analyst

APPROVED BY:

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Senator Patricia (Pat) Spearman, Chair

Date: \_\_\_\_\_

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item IV A</a>	Mayita Sanchez, Grants and Policy Analyst, Office of Workforce Innovation (OWINN), Office of the Governor	Presentation on Occupational Licensing in Nevada
<a href="#">Agenda Item IV B</a>	Mayita Sanchez, Grants and Policy Analyst, OWINN, Office of the Governor	<i>Nevada Occupational Licensing Study Literature Review Report</i> , May 2020, Revised August 2020
<a href="#">Agenda Item IV C</a>	Mayita Sanchez, Grants and Policy Analyst, OWINN, Office of the Governor	<i>Nevada Occupational Licensing Study Roundtable Event 1 Summary</i> , June 2020
<a href="#">Agenda Item V A</a>	Sarah A. Bradley, J.D., M.B.A., Deputy Executive Director, Board of Medical Examiners	Informational Update
<a href="#">Agenda Item V B</a>	Cathy Dinauer, Executive Director, State Board of Nursing	Informational Update
<a href="#">Agenda Item VI A</a>	Sarah A. Bradley, J.D., M.B.A., Deputy Executive Director, Board of Medical Examiners	Informational Update
<a href="#">Agenda Item VI B</a>	Jennifer Kandt, Executive Director, Nevada Funeral and Cemetery Services Board	Informational Update
<a href="#">Agenda Item VII</a>	Jennifer Ruedy, Chief Principal Policy Analyst, Research Division, Legislative Counsel Bureau	Work Session Document

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