

**STATE AGENCY REGULATIONS TO BE REVIEWED
BY THE LEGISLATIVE COMMISSION**

AUGUST 19, 2025

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	NAC	AGENCY/ SUBJECT
2023 REGULATIONS		
R142-23	451	NEVADA FUNERAL AND CEMETERY SERVICES BOARD A REGULATION revising various provisions relating to cremation CONTACT Stephanie McGee (775) 825-5535 director@fb.nv.gov
2024 REGULATIONS		
R007-24	625	STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS A REGULATION revising provisions relating to professional land surveyors CONTACT Murray Blaney (775) 688-1231 mblaney@nvbpels.nv.gov
R117-24	630	BOARD OF MEDICAL EXAMINERS A REGULATION revising various provisions relating to medical professionals CONTACT Sarah Bradley (775) 324-9365 bradleys@medboard.nv.gov
R186-24	586	DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE A REGULATION revising fees for the registration of pesticides CONTACT Meghan Brown (775) 753-1357 m.brown@agri.nv.gov

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**ADOPTED REGULATION OF THE NEVADA FUNERAL
AND CEMETERY SERVICES BOARD**

LCB File No. R142-23

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

AUTHORITY: §§ 1-3, NRS 451.640 and 642.063.

A REGULATION relating to cremation; revising the interpretation of certain phrases relating to cremation; clarifying requirements relating to the maintenance of certain records; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits the use of space within a crematory where cremation takes place for any purpose other than the cremation of human remains. (NRS 451.680) Existing law requires the licensed operator of a crematory to ensure that all persons physically operating the crematory equipment have completed an approved crematory certification program. (NRS 451.635) Assembly Bill No. 205 of the 2017 Legislative Session and Assembly Bill No. 289 of the 2023 Legislative Session: (1) authorized the use of alkaline hydrolysis and natural organic reduction, respectively, for the disposition of human remains; and (2) revised the definition of “cremation” to include alkaline hydrolysis and natural organic reduction, respectively. (Chapter 406, Statutes of Nevada 2017, at page 2734, chapter 85, Statutes of Nevada 2023, at page 415) **Sections 1 and 2** of this regulation make conforming changes to incorporate terms used in reference to alkaline hydrolysis and natural organic reduction in existing sections of the Nevada Administrative Code interpreting the terms “cremation of human remains” and “physically operating the crematory equipment.”

Existing law requires an operator of a crematory, funeral establishment or direct cremation facility to keep certain records. (NRS 451.665) Existing regulations require that such records be maintained for at least 7 years. (NAC 451.200) **Section 3** of this regulation clarifies that such records must be maintained for at least 7 years after the date of the final disposition of the human remains to which the records pertain.

Section 1. NAC 451.008 is hereby amended to read as follows:

451.008 1. For the purposes of NRS 451.680, the Nevada Funeral and Cemetery Services Board interprets the phrase “cremation of human remains” to include:

- (a) The container, unless incinerating , *dissolving or reducing* the container is prohibited pursuant to ~~subsection 3 of~~ NRS 451.670;
- (b) The personal effects of the deceased person; and
- (c) A negligible amount of chlorinated plastic which may be attached to or accompanying the human remains.

2. As used in this section:

- (a) “Container” has the meaning ascribed to it in NRS 451.615; and
- (b) “Human remains” has the meaning ascribed to it in NRS 451.620.

Sec. 2. NAC 451.009 is hereby amended to read as follows:

451.009 For the purposes of NRS 451.635, the Nevada Funeral and Cemetery Services Board interprets the phrase “physically operating the crematory equipment” to mean:

- 1. Starting the crematory equipment;
- 2. Loading the chamber ~~+~~ *or equipment for natural organic reduction;*
- 3. Sweeping the chamber ~~+~~ *or removing human remains from the equipment for natural organic reduction;* and
- 4. Processing human remains, including the initial placement of the human remains into temporary urns.

Sec. 3. NAC 451.200 is hereby amended to read as follows:

451.200 1. The records required to be kept pursuant to NRS 451.665 by the operator of a crematory, funeral establishment or direct cremation facility must be maintained for at least 7 years ~~+~~ *after the date of the final disposition of the human remains to which the records pertain.*

2. The maintenance of such records in a digital format satisfies the requirements of subsection 1.



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

INFORMATIONAL STATEMENT

Nevada Board of Funeral & Cemetery Services LCB File No. R142-23

The following information is provided pursuant to NRS 233B.066 regarding adopted amendments to Nevada Administrative Code Chapter 451:

1. A clear and concise explanation of the need for the adopted regulation.

Pursuant to Nevada Governor Joe Lombardo's Executive Order 2023-003, the Nevada Funeral and Cemetery Services Board (Board) conducted a comprehensive review of the regulations subject to the Board's enforcement. Pursuant to that Executive Order, the Board identified certain provisions of NAC 642 that duplicated provisions of Nevada Revised Statutes, specifically NRS Chapter 233B.

An additional proposed amendment is offered as guidance for compliance with NRS Chapter 451 as amended by Assembly Bill 289 (2023) regarding natural organic reduction.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Board solicited public comment by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons who were known to have an interest in the Nevada Funeral and Cemetery Services Board regulation of funeral and cemetery services, specifically individuals and business entities holding an active license issued by the Board, as well as any person who had specifically requested such notice. These documents were also made available at the following locations:

- The Board's Office, 3740 Lakeside Drive, Suite 201 in Reno, Nevada.
- The Nevada Public Notice website: <https://notice.nv.gov/>
- The Board's website: <https://funeral.nv.gov/>
- The Nevada Legislature Administrative Regulation Notices website: <https://www.leg.state.nv.us/App/Notice/A/>

On November 15, 2023, the Board held a workshop to solicit comments on the proposed regulations. There were 16 individuals from the public in attendance at the workshop. Thereafter, on or about April 8, 2025, a Notice of Intent to Action Upon Regulations was issued. On May 14, 2025, the Board held a public hearing. There were no written or oral public comments presented at the hearing. There were 24 individual members of the public present at the hearing.

As no comments were submitted, no summary is available. Interested persons requesting information may contact the Board via the office, telephone, or email at:

Nevada Funeral and Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, Nevada, 89509

Telephone: 775-825-5535

Email: nvfuneralboard@fb.nv.gov.

- 3. The number of persons who:**
 - a. Attended each hearing;**
 - b. Testified at each hearing; and**
 - c. Submitted to the Board written comments.**

Sixteen members of the public attended the workshop on November 15, 2023. One person testified at the workshop. There were no public comments during the workshop.

Twenty-four members of the public attended the hearing on May 14, 2025. One person testified at the hearing. There were no public comments during the hearing.

No written comments were submitted to the Board regarding the proposed changes to the regulation.

- 4. For each person identified in paragraphs 3b. and 3c, the name, telephone number, business address, business telephone number, electronic mail address, and the name of the entity or organization represented:**

No person submitted written comments at the workshop or the hearing.

The following individual testified at the hearing:

Stephanie Bryant McGee
Executive Director
Nevada Funeral and Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, Nevada 89521
(775)-825-5535
nvfuneralboard@fb.nv.gov

- 5. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board solicited public comment by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons who were known to have an interest in the Nevada Funeral and Cemetery Services Board regulation of funeral and cemetery services, specifically individuals and business entities holding an active license issued by the Board, as well as any person who had specifically requested such notice. These documents were also made available at the following locations:

- The Board's Office, 3740 Lakeside Drive, Suite 201 in Reno, Nevada.
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On October 20, 2023, the Board sent via email a survey, along with a copy of the proposed regulation and notice of workshop, to each business entity holding a license issued by the Board.

1. How many employees are currently employed by your business?
2. Will a specific regulation have an adverse economic effect upon your business?
3. Will the regulation(s) have any beneficial effect upon your business?
4. Do you anticipate any indirect adverse effects upon your business?
5. Do you anticipate any indirect beneficial effects upon your business?

None of the business entities submitted a survey response.

The Board discussed the regulatory changes during a public workshop on November 15, 2023. The workshop was open to the public, including representatives of any business that may be impacted by the regulation. There were no public comments in opposition to any of the changes or regarding any economic impact on small businesses.

On May 15, 2025, the Board held a public hearing regarding adoption of the proposed regulation. There were no public comments submitted at this hearing. In addition, there were no comments regarding the proposed changes or any economic impact on small businesses.

As no comments were submitted, no summary is available. Interested persons requesting information may contact the Board via the office, telephone, or email at:

Nevada Funeral and Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, Nevada, 89509

Telephone: 775-825-5535

Email: nvfuneralboard@fb.nv.gov

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Board adopted the regulation on May 14, 2025, with no changes, as there were no comments or suggested changes submitted in writing or during the hearing.

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- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects

The Board determined that the regulation would have no adverse economic impact on businesses it regulates or the public.

(b) Both immediate and long-term effects

None. The Board does not anticipate any direct immediate or long-term economic effects on businesses or the public as a result of the adopted regulation. Any immediate or long-term economic impact would be in the improved efficiency of the Board's regulatory activities due to clarification of existing law.

- 8. The estimated cost to the agency for enforcement of the proposed regulation.**

None. There is no additional cost to the Board for enforcement of the regulation, as enforcement will be performed by the Board in the normal conduct of its affairs.

- 9. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

None. No other state or governmental agency regulations will be overlapped or duplicated as a result of the adopted regulation. The regulation does not overlap or duplicate a federal regulation.

- 10. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

None. The proposed changes to NAC 451 do not include any provisions that duplicate or are more stringent than any federal, state, or local regulations or standards regulating the same activity.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

None. The regulation does not provide for any new or increased fees.



DR. RANDY SHARP
Board Chair

STEPHANIE BRYANT MCGEE
Executive Director

SMALL BUSINESS IMPACT STATEMENT

Nevada Funeral and Cemetery Services Board

LCB File No. R142-23

The Small Business Impact Statement required by Nevada Revised Statutes (NRS) 233B.0608:

1. **A description of the manner in which comments are solicited from affected small businesses and an explanation of the manner in which other interested persons may obtain a copy of the regulation.**

The Board solicited public comment by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and small business impact statement to persons who were known to have an interest in the Nevada Funeral and Cemetery Services Board regulation of funeral and cemetery services, specifically individuals and business entities holding an active license issued by the Board, as well as any person who had specifically requested such notice.

These documents were also made available at the following locations:

- The Board's Office, 3740 Lakeside Drive, Suite 201 in Reno, Nevada.
- The Nevada Public Notice website: <https://notice.nv.gov/>
- The Board's website: <https://funeral.nv.gov/>
- The Nevada Legislature Administrative Regulation Notices website: <https://www.leg.state.nv.us/App/Notice/A/>

On October 20, 2023, the Board sent via email a survey, along with a of the proposed regulation and notice of workshop, to each business entity holding a license issued by the Board.

1. How many employees are currently employed by your business?
2. Will a specific regulation have an adverse economic effect upon your business?
3. Will the regulation(s) have any beneficial effect upon your business?
4. Do you anticipate any indirect adverse effects upon your business?
5. Do you anticipate any indirect beneficial effects upon your business?

None of the business entities submitted a survey response.

The Board discussed the regulatory changes during a public workshop on November 15, 2023. The workshop was open to the public, including representatives of any business that may be impacted by the regulation. There were no public comments in opposition to any of the changes or regarding any economic impact on small businesses.

On May 15, 2025, the Board held a public hearing regarding adoption of the proposed regulation. There were no public comments submitted at this hearing. In addition, there were no comments regarding the proposed changes or any economic impact on small businesses.

As no comments were submitted, no summary is available. Interested persons requesting information may contact the Board via the office, telephone, or email at:

Nevada Funeral and Cemetery Services Board

3740 Lakeside Drive, Suite 201

Reno, Nevada, 89509

Telephone: 775-825-5535

Email: nvfuneralboard@fb.nv.gov

2. The manner in which the analysis was conducted.

Pursuant to NRS 233B.0608, the Board made a concerted effort to determine whether the proposed regulation was likely to have an impact on small businesses, including providing notices, giving opportunities to present oral or written comments at a workshop and hearing, and sending a survey to businesses holding a license issued by the Board. As no business entity responded to the survey and no public comments were received, the Board concludes that there is no impact on small businesses in Nevada.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

a. Both adverse and beneficial effects:

The Board determined that the regulation would have no adverse economic impact on businesses it regulates or the public.

The beneficial economic effect to the public is the improved efficiency of the Board's administration due to clarification and guidance with respect to compliance with statutes and repeal of regulations that are duplicated elsewhere in law.

b. Both direct and indirect effects:

None. This regulation will not have a direct or indirect economic impact on small businesses that provide funeral services. The proposed changes are reasonably necessary and expedient for the orderly conduct of the Board's administration of NRS 451.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

In formulating the proposed regulation, the Board and its staff considered the economic effect of the proposed changes on all licensees, including small businesses and individuals.

5. The estimated cost to the agency for enforcement of the proposed regulation.

None. Enforcement of the regulation will be performed by the Board in the normal conduct of its affairs. There will be no additional costs associated with enforcement of the proposed regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

None. The proposed regulation does not provide for any new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

None. The changes to NAC 642 do not include any provisions that duplicate or are more stringent than any federal, state, or local regulations or standards regulating the same activity.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The Board came to its conclusions regarding the impact of the regulation on small businesses based on the lack of public comment during the workshop and hearing, having received no response to the survey sent to licensed business entities, and the Board's discussion of the proposed changes to NAC 451.

Certification

I, Stephanie Bryant McGee, Executive Director of the Nevada Board of Funeral and Cemetery Services, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement is accurate. (NRS 233B.0608(3)).



Signature



Date

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**ADOPTED REGULATION OF THE
STATE BOARD OF PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

LCB File No. R007-24

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

AUTHORITY: §§ 1-3 and 5-8, NRS 625.140 and 625.250; § 4, NRS 625.140, 625.250 and 625.350.

A REGULATION relating to professional land surveyors; removing certain duplicative requirements concerning professional land surveyors; revising requirements for positional certainty for components of certain surveys and proposed fixed works; imposing certain requirements on professional land surveyors relating to the conducting of certain surveys; revising provisions governing the preparation of a scaled drawing of a survey; revising the classifications of land boundary surveys; requiring a professional land surveyor to comply with the request of an owner's representative to provide certain materials created to support a survey; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt all regulations, not inconsistent with the constitution and laws of this State, which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in professional engineering and land surveying. (NRS 625.140) Existing law also requires the Board to administer certain provisions and requirements concerning professional land surveyors and requires it to do so by regulation as necessary. (NRS 625.250)

Existing regulations set forth various standards of practice for professional land surveyors. (NAC 625.651-625.790) **Section 1** of this regulation removes a duplicative requirement concerning the standards that a professional land surveyor is required to apply when engaging in the practice of land surveying in this State.

Existing regulations set forth certain requirements for positional certainty for the horizontal and vertical components of land boundary, control, geodetic and topographic surveys. (NAC 625.666) Existing regulations divide land boundary surveys into the classifications of high urban, low urban, high rural and low rural and set forth requirements for positional certainty for

the horizontal component of a land boundary survey specific to each classification. (NAC 625.666, 625.740) **Section 2** of this regulation eliminates the requirements for positional certainty for the horizontal and vertical components of control, geodetic and topographic surveys. **Section 5** of this regulation revises the classifications of land boundary surveys to divide such surveys into the classifications of urban, suburban and rural. **Section 2** revises requirements for positional certainty for the horizontal component of a land boundary survey to set forth requirements for such positional certainty specific to each of the new classifications set forth in **section 5**. **Section 5** additionally provides that land title surveys must be conducted using the requirements for positional certainty for the urban classification.

Section 2 additionally: (1) eliminates certain requirements for positional certainty that are measured in meters; (2) makes certain distinctions between decisions concerning monuments used for boundary determination and requirements of positional certainty; and (3) imposes certain requirements on a professional land surveyor conducting a control survey and a topographic survey and documenting certain information concerning maps, plats and surveys.

Existing regulations require a professional land surveyor to take certain actions in conducting a land boundary survey, including, without limitation, searching for and identifying monuments and other physical evidence that could affect the location of the boundaries of the surveyed property. (NAC 625.670) **Section 3** of this regulation specifies certain types of physical evidence that must be searched for and identified. **Section 3** additionally requires a professional land surveyor, in conducting a land boundary survey, to: (1) consider certain factors; and (2) include certain information on a survey map after making certain discoveries.

Existing regulations require a professional land surveyor to prepare a scaled drawing of a survey for presentation to the client and set forth certain requirements for such a drawing. (NAC 625.720) **Section 4** of this regulation revises those provisions to eliminate the requirement that such a drawing be prepared and instead sets forth various requirements for a scaled drawing when such a drawing is prepared for a client.

Existing law requires a record of survey to contain a certificate prepared by the surveyor indicating certain information. (NRS 625.350) Existing regulations set forth the required form of a certificate if a certification by a professional land surveyor is required by a statute or local ordinance. (NAC 625.720) **Section 4** specifies that the form of such a certificate set forth under existing regulations applies to a certificate for a record of survey.

Existing regulations require a professional land surveyor who conducts a construction survey to place stakes or other materials used to mark the location of certain proposed fixed works within certain specified positional certainties. (NAC 625.775) **Section 7** of this regulation: (1) revises the proposed fixed works that are subject to such requirements; and (2) eliminates certain requirements for positional certainty that are measured in meters.

Existing regulations require a professional land surveyor who conducts a construction survey to provide to the owner's representative certain materials to describe the survey conducted. (NAC 625.780) **Section 8** of this regulation instead requires such a professional land surveyor to, upon request of the owner's representative, provide the owner's representative with certain materials created to support the survey conducted.

Section 6 of this regulation makes a technical, nonsubstantive change to ensure the consistency of language used in the Nevada Revised Statutes and Nevada Administrative Code.

Section 1. NAC 625.655 is hereby amended to read as follows:

625.655 When engaging in the practice of land surveying in this State, a professional land surveyor shall apply all applicable statutes and regulations . ~~in addition to the minimum standards of practice for professional land surveyors established in NAC 625.651 to 625.790, inclusive.~~

Sec. 2. NAC 625.666 is hereby amended to read as follows:

625.666 1. ~~{The requirements for positional}~~ **Positional** certainty for the horizontal component of **a** land boundary ~~{, topographic, control and geodetic surveys are as follows:~~

~~Type of Survey~~

~~Positional Certainty~~

~~Meters~~

~~U.S. Survey Feet~~

~~Land Boundary Surveys~~

—High Urban	±0.02 m	±0.05 ft
—Low Urban	±0.04 m	±0.15 ft
—High Rural	±0.1 m	±0.3 ft
—Low Rural	±0.15 m	±0.5 ft

~~Control and Geodetic Surveys~~

Type of Survey	Positional Certainty	
	Meters	U.S. Survey Feet
Precise Measurement Studies	±0.001 m to ±0.01 m	±0.002 ft to ±0.03 ft
State Network	±0.02 m	±0.05 ft
County Network	±0.04 m	±0.15 ft
Local Network	±0.06 m	±0.2 ft
Photogrammetric Control	±0.06 m to ±1 m	±0.2 ft to ±3 ft

Topographic Surveys

Engineering Design Surveys	±0.01 m to ±0.1 m	±0.03 ft to ±0.3 ft
Planning Study Surveys	±0.02 m to ±0.05 m	±0.05 ft to ±0.15 ft
Utilities Mapping	±0.15 m	±0.5 ft
Feature Mapping	±0.3 m	±1 ft
Resource Mapping	±0.5 m to ±100 m	±1.5 ft to ±330 ft

survey must be:

(a) For a land boundary survey classified as urban pursuant to NAC 625.740, plus or minus 0.05 feet.

(b) For a land boundary survey classified as suburban pursuant to NAC 625.740, plus or minus 0.15 feet.

(c) For a land boundary survey classified as rural pursuant to NAC 625.740, plus or minus 0.5 feet.

2. ~~{The requirements for positional}~~ *Positional* certainty for the vertical component of *a* land boundary ~~{, control, geodetic and topographic surveys are as follows:~~

Type of Survey	Positional Certainty	
	Meters	U.S. Survey Feet
Land Boundary Surveys	±0.05 m	±0.15 ft
Control and Geodetic Surveys		
Other Than		
Photogrammetric Control		
Surveys	±0.005 m to ±0.03 m	±0.02 ft to ±0.1 ft
Photogrammetric Control		
Surveys	±0.03 m to ±0.5 m	±0.1 ft to ±1.5 ft
Topographic Surveys	National Map Accuracy Standards]	

survey must be plus or minus 0.15 feet.

3. ~~{For the purposes of this section, the National Map Accuracy Standards, as they existed on November 14, 1997, are hereby adopted by reference. A copy of the National Map Accuracy Standards may be obtained from the United States Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, Virginia 20192, at no cost.}~~ *The acceptance or rejection of an existing controlling monument used for boundary determination is separate and distinct from the requirements of positional certainty set forth in subsections 1 and 2.*

4. *A professional land surveyor shall:*

(a) For a control survey, document the horizontal and vertical data, the coordinate system and the reference points used to establish the network of control points that provide control for subsequent boundary, topographic or construction surveys;

(b) For a topographic survey made to determine the configuration of the contour of the surface of the earth or the position of fixed objects, select the equipment and procedures to obtain horizontal positional certainty and vertical positional certainty appropriate for the project; and

(c) Document the level of precision and positional certainty of any map, plat or survey.

Sec. 3. NAC 625.670 is hereby amended to read as follows:

625.670 In conducting a land boundary survey, a professional land surveyor shall:

1. Search pertinent documents, including, but not limited to, maps, deeds, title reports, title opinions and the records of the U.S. Public Land Survey System.

2. Thoroughly examine the information and data acquired ~~{}~~ *and consider:*

(a) Junior and senior property rights;

(b) Retracement of the original survey;

(c) Evidence provided by existing records; and

(d) Proper application of the priority of calls used to determine boundaries when there is a conflict between elements within a land description.

3. Diligently search for and identify monuments and other physical evidence , *including, without limitation, evidence of easements, lines of physical occupation and possible observed encroachments upon the property*, which could affect the location of the boundaries of the property being surveyed.

4. Conduct field measurements necessary to relate adequately the position of all apparent evidence pertinent to the boundaries of the property being surveyed.

5. Make computations to verify the correctness of field data acquired and confirm that results of measurements are within acceptable limits of tolerance. Computations must be made to determine the relative positions of all found evidence.

6. When a material discrepancy is discovered between the record information that is reported on a map or record of survey and the measured information that is collected by the professional land surveyor, show the measured information on the survey map in addition to all pertinent record information.

Sec. 4. NAC 625.720 is hereby amended to read as follows:

625.720 1. ~~{A}~~ *When a* professional land surveyor ~~{shall prepare}~~ *prepares* a scaled drawing of ~~{the}~~ *a* survey for presentation to ~~{the}~~ *a* client ~~{The}~~ , *the* drawing must ~~{comply}~~ :

(a) Comply with the provisions of NRS 625.340, 625.350 and 625.565 ~~{}~~ ;

(b) Be of a scale sufficient to clearly show details; and

(c) Include, without limitation:

- (1) A scale, legend and north arrow;*
- (2) On each sheet of the drawing, an indication of the number of the sheet, the total number of sheets within the drawing and its relation to each adjoining sheet;*
- (3) All recorded, measured and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves; and*
- (4) A written narrative on boundary analysis when necessary to explain any material discrepancies or support unclear portions of the drawing.*

2. In cases where a certification is required by statute or local ordinance, the professional land surveyor shall certify only those matters personally known to be true.

3. The certificate *for a record of survey* must be in the following form:

SURVEYOR'S CERTIFICATE

I, (name of professional land surveyor), a Professional

Land Surveyor registered in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my supervision at the instance of (owner, trustee, etc.).

2. The land surveyed lies within (section, township, range, meridian, county and city, if incorporated), and the survey was completed on (date).

3. This plat complies with applicable statutes of this State and any local ordinances in effect on the date that the survey was completed, and the survey was conducted in accordance with chapter 625 of the Nevada Administrative Code.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient durability.

5. (Any other information that the professional land surveyor personally knows to be true concerning the land surveyed.)

(Validated seal of the professional land surveyor);

(Name and license number of the professional land surveyor printed below the seal).

Sec. 5. NAC 625.740 is hereby amended to read as follows:

625.740 1. ~~{Boundary}~~ *Land boundary* surveys ~~{have been}~~ *are* divided into the ~~{following four}~~ *urban, suburban and rural* classifications . ~~{}~~ *The:*

(a) ~~{High}~~ Urban ~~{-Surveys of}~~ *classification consists of surveys performed on* land lying within or adjoining a city or town, including surveys of commercial and industrial properties, condominiums, townhouses, apartments and other multiunit developments, regardless of geographic location.

(b) ~~{Low Urban. Surveys of}~~ *Suburban classification consists of surveys performed on* land lying outside ~~{high}~~ urban areas and ~~{used almost exclusively}~~ *developed* for single family residential use . ~~{or residential subdivisions.}~~

(c) ~~{High}~~ Rural ~~{. Surveys of}~~ *classification consists of surveys performed on* land ~~{such as}~~ , *including* farms and ~~{other}~~ undeveloped land , lying outside ~~{the low}~~ urban *and suburban* areas . ~~{which may have potential for future development.}~~

~~(d) Low Rural. Surveys of land normally lying in remote areas with difficult or barren terrain and which usually have limited potential for development.}~~

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a* professional land surveyor shall use the classifications described in subsection 1 and the requirements for positional certainty for those classifications prescribed in *subsection 1 of* NAC 625.666 to establish the locations of monuments in a *land* boundary survey.

3. A professional land surveyor shall, when conducting a land title survey, use the requirements for positional certainty for the urban classification prescribed in paragraph (a) of subsection 1 of NAC 625.666 to establish the locations of monuments in the survey.

Sec. 6. NAC 625.760 is hereby amended to read as follows:

625.760 Before beginning a construction survey, a professional land surveyor ~~{shall}~~ *must* obtain from the owner's representative a complete set of the contract drawings and specifications approved by the appropriate federal, state and local agencies and any special instructions for the proposed fixed works.

Sec. 7. NAC 625.775 is hereby amended to read as follows:

625.775 A professional land surveyor who conducts a construction survey shall place the stakes or other materials used to mark the location of the proposed fixed works within the following positional certainties:

Proposed Fixed Works	Horizontal Positional Certainty		Vertical Positional Certainty	
	{±0.03 m}	Feet	{±0.06 m}	Feet
Rough Grades.....	{±0.03 m}	±1 ft	{±0.06 m}	±0.2 ft
Subgrades.....	{±0.15 m}	±0.5 ft	{±0.015 m}	±0.05 ft
Finish Grades	{±0.15 m}	±0.5 ft	{±0.015 m}	±0.05 ft
Buildings.....	{±0.015 m}	±0.05 ft	{±0.01 m}	±0.03 ft
{Sewer Facilities} <i>Sewers</i>	{±0.1 m}	±0.3 ft	{±0.015 m}	±0.05 ft
Waterlines	{±0.1 m}	±0.3 ft	{±0.03 m}	±0.1 ft
{Water Facilities Other Than				
Waterlines} <i>Hydrants</i>	{±0.03 m}	±0.1 ft	{±0.015 m}	±0.05 ft
Street Lights {and Devices for the				
Control of Traffic}	{±0.06 m}	±0.2 ft	{±0.03 m}	±0.1 ft
Curbs and Gutters	{±0.03 m}	±0.1 ft	{±0.015 m}	±0.05 ft

Sec. 8. NAC 625.780 is hereby amended to read as follows:

625.780 A professional land surveyor who conducts a construction survey shall , *upon request of the owner's representative*, provide the owner's representative *with any* sketches, cut sheets or other field notes *created* to ~~describe~~ *support* the survey conducted.

INFORMATIONAL STATEMENT

LCB File Number R007-24, relating to professional land surveying standards of practice

The following information is provided pursuant to the requirements of NRS 233B.066.

A. Need and Purpose of the Proposed Regulations.

The Nevada Board of Professional Engineers and Land Surveyors proposes amending Nevada Administrative Code to remove certain duplicative requirements concerning professional land surveyors; revising requirements for positional certainty for components of certain surveys and proposed fixed works; imposing certain requirements on professional land surveyors relating to conducting certain surveys; revising provisions governing the preparation of a scaled drawing of a survey; revising the classifications of land boundary surveys; requiring a professional land surveyor to retain certain materials created to support a survey; repealing certain obsolete provisions; and providing other matters properly relating thereto.

NVBPELS last updated its professional land surveyor standards of practice in 1997. The current proposed updates, **LCB file number R007-24, related to professional land surveying standards of practice**, align with national standards and with modern practice. In addition, minor amendments were made where necessary to clarify the responsibilities of professional land surveyors. Two regulations are proposed to be repealed as they are redundant to other regulatory requirements.

B. Description of How Public Comment was Solicited, Response Summary, and Explanation of How Interested Parties May Obtain a Copy of Summary.

A Regular Board Meeting relating to the regulation changes was held in-person and virtually on September 21, 2023, and was noticed according to NRS 241.020. Public comment was requested but none was received at the board meeting. The minutes of the regular board meeting are available to view at the Nevada Board of Professional Engineers and Land Surveyors website, <https://nvbpels.org/board/meetings>.

In accordance with the requirements of NRS 233B.061 a public workshop was held virtually with in-person participation at the board's Reno office and Las Vegas office on December 6, 2023. Notice was given in excess of 15 days for the workshop, and e-mails were sent to 19,200 addresses of interested parties notifying them of the workshop and with direct links to relevant documentation. Public comment was requested but none was received at the workshop. The minutes of the workshop are available to view at the Nevada Board of Professional Engineers and Land Surveyors website, <https://nvbpels.org/board/meetings>.

A Public Hearing for Intent to Act Upon Regulations was held in-person and virtually on November 7, 2024. The hearing was noticed in excess of the 30-day public posting requirement, and e-mails were sent to 19,200 addresses of interested parties notifying them of the hearing and with direct links to relevant documentation. Public comment was received during the hearing and the public comment

resulted in further consideration of proposed changes to NAC 625.666 and 625.780. The board unanimously voted to accept the proposed changes to the following regulations:

Amend NAC 625.655
Amend NAC 625.670
Amend NAC 625.720
Amend NAC 625.740

Amend NAC 625.760
Amend NAC 625.775
Repeal NAC 625.660
Repeal NAC 625.668

Comments by Mr Art O'Connor, PE/PLS, included positional certainty for urban land boundary surveys and record retention. **The board noted it had made a typographical error in changing the positional certainty for urban land boundary surveys to ± 0.10 and that we would correct and retain the positional certainty of ± 0.05 as currently stated in the regulations.**

Comment was also received by Mr Douglas Schneider, PLS, pertaining to retention of survey records and possible statute of repose.

The board acknowledged Mr O'Connor's and Mr Schneider's concerns regarding record retention of survey documents and agreed to reconsider NAC 625.666 and 625.780.

The minutes of the November 7, 2024, Intent to Act Upon Regulations are available to view at the Nevada Board of Professional Engineers and Land Surveyors website at <https://nvbpels.org/board/meetings>.

A Regular Board Meeting relating to further language changes to NAC 625.666 and 625.780 was held in-person and virtually on May 8, 2025, and was noticed according to NRS 241.020. Public comment was requested but none was received at the board meeting. The minutes of the regular board meeting are available to view at the Nevada Board of Professional Engineers and Land Surveyors website, <https://nvbpels.org/board/meetings>.

A Public Hearing for Intent to Act Upon Regulations to consider the proposed language changes to NAC 625.666 and 625.780 was held in-person and virtually on June 12, 2025. The hearing was noticed in excess of the 30-day public posting requirement, and e-mails were sent to 19,200 addresses of interested parties notifying them of the hearing and with direct links to relevant documentation. Public comment was requested but none was received at the hearing. The board unanimously voted to accept the proposed changes to NAC 625.666 and 625.780. The minutes of the June 12, 2025, Intent to Act Upon Regulations are available to view at the Nevada Board of Professional Engineers and Land Surveyors website at <https://nvbpels.org/board/meetings>.

C. The number of persons who:

Attended each hearing—

December 6, 2023, Public Workshop was attended by five members of the public.

November 7, 2024, Public Hearing for Intent to Act Upon Regulations was attended by five members of the public.

June 12, 2025, Public Hearing for Intent to Act Upon Regulations was attended by four members of the public.

Testified at each hearing—

December 6, 2023, Public Workshop. No members of the public testified at the workshop.

November 7, 2024, Intent to Act Upon Regulations Public Hearing. Two members of the public testified.

June 12, 2025, Intent to Act Upon Regulations Public Hearing. No members of the public testified.

Submitted written statements—

December 6, 2023, Public Workshops. No written statements were received.

November 7, 2024, Public Hearing for Intent to Act Upon Regulations. No written statements were received.

June 12, 2025, Public Hearing for Intent to Act Upon Regulations. No written statements were received.

D. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing - Name; Telephone number; Business address; Business telephone number; Electronic mail address; and Name of entity or organization represented.

Name	Email	Phone	Entity or Organization
Art O'Connor, PE/PLS	art@oceng.com	(775) 851-7335	Self
Douglas Schneider, PLS	douglaseschneider@me.com	(520) 307-1802	Self

E. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input from owners and officers of professional engineering and land surveying small businesses via an e-mailed survey link that was sent to 19,200 interested parties.

The survey asked for input regarding both direct and indirect adverse and beneficial economic effects on small businesses, with space to elaborate on responses. A summary of the survey responses is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website <https://nvbpels.org/wp-content/uploads/2023/10/SBI-Survey-Results-October-2023-FINAL.pdf>.

F. If the Regulation was Adopted Without Changing Any Part of the Proposed Regulation, a Summary of Reasons for Adopting it Without Change.

The following regulations proposed to be updated in LCB file number R007-24, related to professional land surveyor standards of practice, were adopted on November 7, 2024, as drafted by the LCB, at a Public Hearing for Intent to Act Upon Regulations:

Amend NAC 625.655	Amend NAC 625.760
Amend NAC 625.670	Amend NAC 625.775
Amend NAC 625.720	Repeal NAC 625.660
Amend NAC 625.740	Repeal NAC 625.668

During the public process there were two public comments that requested reconsideration of document retention language that was proposed to be added to NAC 625.666 and 625.780. In addition, it was noted at the public hearing that the board inadvertently incorporated an error in the positional certainty number submitted to LCB, for urban land boundary surveys. **The positional certainty for urban land boundary surveys will be retained as ± 0.05 and not the ± 0.10 as mistakenly submitted to LCB.**

NAC 625.666 and 625.780 proposed to be updated in LCB file number R007-24 were further modified based on public comment and adopted by the board on June 12, 2025, at a Public Hearing for Intent to Act Upon Regulations.

G. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

LCB file number R007-24, related to professional land surveyor standards of practice, there are no adverse or beneficial economic effects identified in the immediate or long-term.

H. The estimated cost to the agency for enforcement of the proposed regulations.

There is no additional cost to the agency.

I. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Nevada Board of Professional Engineers and Land Surveyors is not aware of any similar regulations of other state or government agencies that the proposed changes overlap or duplicate.

J. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations associated with professional land surveyor standards of practice. However, every state and US territory regulates the professions of land surveying.

K. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation amendment does not establish new fees or increase existing fees.

Small Business Impact Statement for proposed repeals and amendments to regulations relating to:

Code of Conduct – NAC 625.545

General Provisions relating to the Practice of Land Surveying – NAC 625.655; NAC 625.666

Land Boundary Surveys – NAC 625.670; NAC 625.680; NAC 625.700; NAC 625.710; NAC 625.720; NAC 625.740

Construction Surveys – NAC 625.760; NAC 625.770; NAC 625.775; NAC 625.780

Miscellaneous Provisions relating to the Practice of Land Surveying – NAC 625.790

Overview

The State Board of Professional Engineers and Land Surveyors has determined that the proposed repeals and amendments will have no negative financial impact on a small business. The proposed regulations have no negative impact on the formation, operation, or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statute (NRS) 233B as a “business conducted for profit which employs fewer than 150 full-time or part-time employees.”

This small business impact statement was created pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulations on a small business and provides the reasons for the conclusions of the agency followed by certification by the agency’s responsible person.

Manner in which comments were solicited, response summary, and explanation of how interested parties may obtain a copy of summary

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input via a survey link sent to all Nevada licensed engineers and land surveyors, and those signed up to receive news and information from the board. The emailed survey link was sent to 19,200 individuals, with an open rate of 51.3%, and 110 completed survey responses.

The survey asked for input on adverse/beneficial economic effects on small businesses, and indirect adverse/beneficial effects – with space to elaborate on responses.

A summary of the survey results is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website (see link below) and are included as an attachment.

<https://nvbpels.org/business-impact-survey-october-2023/>

Manner in which the analysis was conducted

Survey results were initially reviewed for general comments to gauge if the intent of the proposed regulation changes was adequately conveyed.

Survey analysis then focused on “YES” responses relating the direct and indirect adverse economic effects, and the associated comments and explanations to determine the individual concerns. The same was done with survey results for the direct and indirect beneficial impacts.

1. Estimated economic effects of the proposed regulation on small businesses

Based on the survey results it was determined there are no adverse economic impacts related to the proposed regulation changes.

2. Considerations were made to reduce impact of proposed regulation

No specific adverse economic impacts were identified that warranted additional consideration.

3. Cost estimate for agency enforcement

At this time there would be no additional cost to the regulatory board to enforce the proposed changes. Any issues relating to compliance would be absorbed into the existing workload of the current staffing levels.

4. New fees or increases in existing fees

The proposed amendments do not involve an increase to existing fees or create any new fees.

5. Are any duplicative or more stringent provisions involved

There are no federal regulations associated with professional engineers and land surveyors. However, every state and US territory regulates the professions of engineering and land surveying.

6. Summary of conclusions

The Small Business Impact survey that was sent to 19,200 individuals, with an open rate of 51.3%, resulted in 110 completed survey responses. Although some survey respondents indicated anticipated adverse impacts (13% direct adverse impacts and 20% indirect adverse impacts). In reviewing those comments, there are no specific adverse effects or economic impacts identified.

In consideration of all the survey responses collected, NVBPELS concludes that the proposed regulation changes relating to Code of Conduct, General Provisions relating to the Practice of Land Surveying, Land Boundary Surveys, Construction Surveys, and Miscellaneous Provisions relating to the Practice of Land Surveying will have no adverse impacts on small businesses.

Certification by Person Responsible for the Agency

I, Mark Fakler, Executive Director of the Nevada Board of Professional Engineers and Land Surveyors certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed amendments to regulation on small business, and the information contained in this statement was prepared properly and is accurate.



July 15, 2025

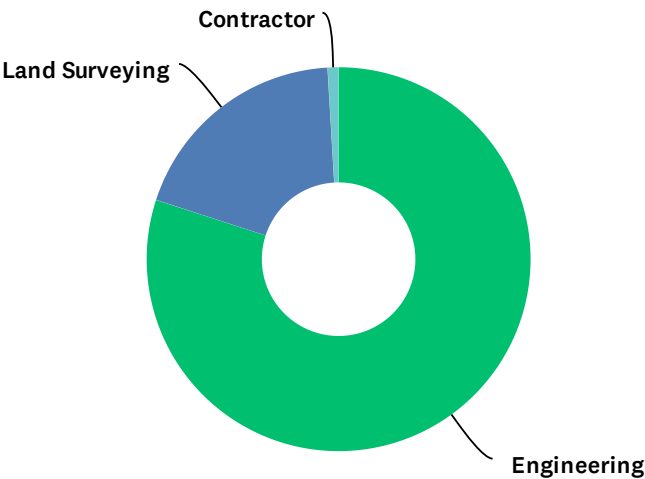


Business impacts related to the proposed regulation changes.

Small Business Impact Survey Results

Q1 Type of Business (primary service offered)

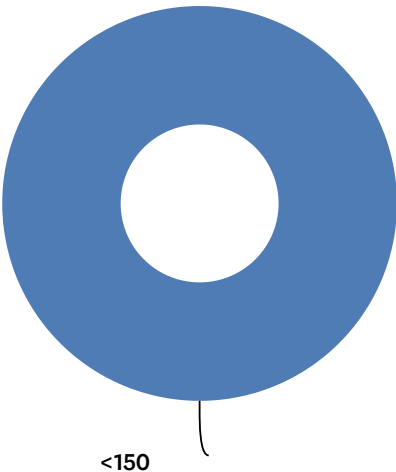
Answered: 110 Skipped: 0



ANSWER CHOICES	RESPONSES	
Engineering	80.00%	88
Land Surveying	19.09%	21
Architectural	0.00%	0
Contractor	0.91%	1
TOTAL		110

Q2 Number of Full-Time Employees

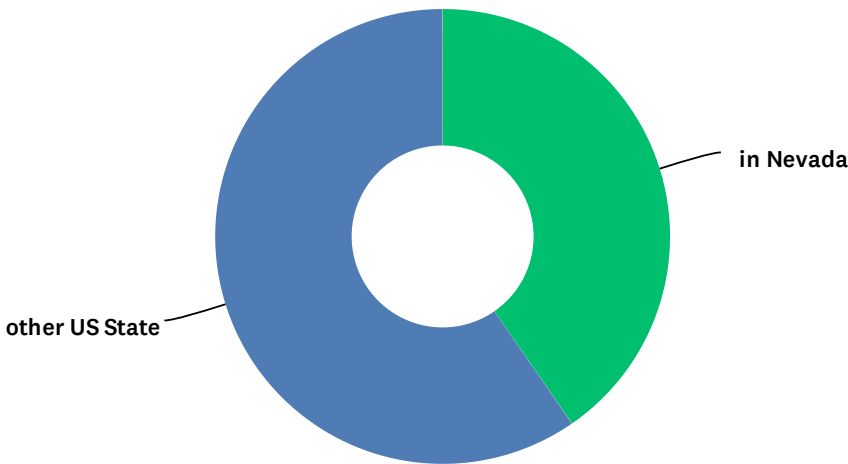
Answered: 110 Skipped: 0



ANSWER CHOICES	RESPONSES	
>150	0.00%	0
<150	100.00%	110
TOTAL		110

Q3 Business Managing Office Location

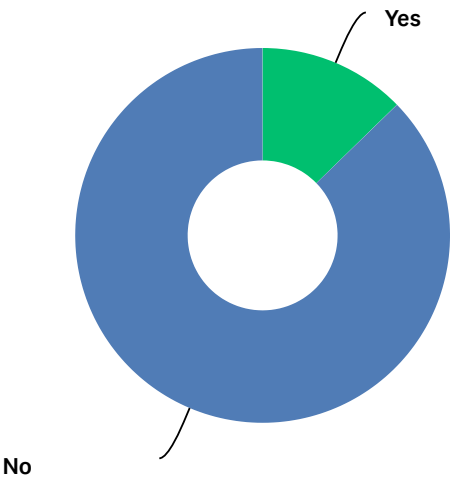
Answered: 109 Skipped: 1



ANSWER CHOICES	RESPONSES	
in Nevada	40.37%	44
other US State	59.63%	65
outside US	0.00%	0
TOTAL		109

Q4 Will a specific proposed change of the regulations have a direct adverse economic effect on your business?

Answered: 110 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		12.73%	14
No		87.27%	96
TOTAL			110

Q5 Any comments or explanation relating to your answer to Question 4.

Answered: 66 Skipped: 44

#	RESPONSES	DATE
1	none	10/17/2023 1:20 PM
2	Providing a schedule for engineering takes a little more time than just a completion date. However, this is something we typically do anyway.	10/16/2023 12:53 PM
3	None	10/13/2023 3:09 PM
4	none	10/13/2023 11:08 AM
5	none	10/12/2023 1:02 PM
6	only involved in railroad engineering	10/11/2023 5:32 AM
7	None	10/10/2023 7:36 AM
8	None.	10/9/2023 9:54 AM
9	no	10/9/2023 9:14 AM
10	None	10/7/2023 3:07 PM
11	Not doing business in Nevada.	10/7/2023 9:20 AM
12	Proposed edits to NAC 625.545. My problem is that you are modifying this regulation as if all contracts (or jobs) are the same in complication. Some jobs are small in nature and do not need to provide a schedule. Since the regulations apply across all jobs, I believe that you are being short sighted. Maybe it is more equitable if you have jobs over a certain price, say \$10k, require a schedule and jobs under \$10k require an anticipated completion date. My biggest suggestion is to not write the regulation in such a way that ALL jobs are required to follow a process that only makes sense for larger jobs. And finally, isn't the premise of the change, none of your business: "better manage client expectations". That is the responsibility of the business owner, not a regulatory agency. Please try to imagine what it was like when we lived in a country which was free and not controlled at every turn.	10/6/2023 6:13 PM
13	-	10/5/2023 8:43 AM
14	The changes generally clarify areas of uncertainty and appropriately simplify the regulations.	10/5/2023 7:27 AM
15	Currently I only do California projects	10/4/2023 8:58 PM
16	none	10/4/2023 5:01 PM
17	All changes are associated with land Surveying. My business does incorporate this type of service.	10/4/2023 4:47 PM
18	Made note of the use of "must" versus "shall" for future reference in contract/spec documents. Thank you!	10/4/2023 11:31 AM
19	I am not commenting on the changes to the Surveying regulations.	10/4/2023 10:57 AM
20	Our firm does not offer land surveying currently - no impact on us	10/4/2023 5:15 AM
21	None	10/3/2023 7:38 PM
22	None.	10/3/2023 7:08 PM
23	none	10/3/2023 6:40 PM
24	I'm concerned with #1. You are regulating away common law contracts. Don't get me wrong, it's smart to have a written contract; however, government should not be involved in private party agreements. Work can still get done with a handshake.	10/3/2023 5:07 PM

Business impacts related to the proposed regulation changes.

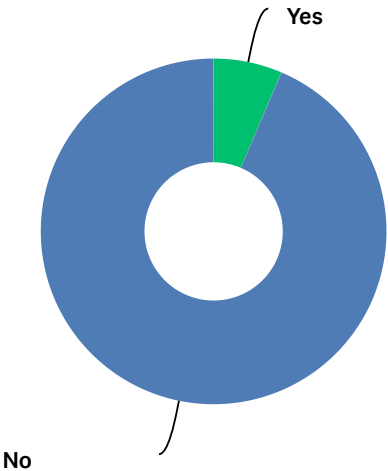
25	none	10/3/2023 3:09 PM
26	N/A	10/3/2023 1:41 PM
27	I do not perform land surveying services	10/3/2023 12:41 PM
28	Changes either are already being done by our firm or are not applicable to the work we are performing.	10/3/2023 12:33 PM
29	Written contracts should not be required for very small projects - say \$2500.00 or less.	10/3/2023 12:07 PM
30	NO	10/3/2023 10:44 AM
31	Our work in Nevada is for insurance companies with whom we have a written master contract that suffices for all work. A separate contract for each assignment is not needed or desired by the client. Our work investigative and forensic in nature and does not lend itself to a predetermined fee. We work on an hourly "time and materials" basis. Amend the proposal to clarify that master agreements are acceptable alternatives.	10/3/2023 10:33 AM
32	none	10/3/2023 10:31 AM
33	i do not know the full impact of these changes nor can I look into a crystal ball and see what will happen down the road, but this much I do know, whenever governments are involved in the operations and direction of business, especially engineering and survey, there will be impacts and they are usually impacts that cost the business own money. What is wrong with how they work today? Why change it when it's not broken?	10/3/2023 10:22 AM
34	No impact seen to my business	10/3/2023 10:01 AM
35	Although advisable, why is a written contract required with a client? Shouldn't that just be a liability insurance issue?	10/3/2023 9:36 AM
36	All surveys that have been done in the past has always been done at the highest standard.	10/3/2023 9:34 AM
37	625,545, written contracts. We do a lot of urgent and even emergency work based on oral or email requests (such as responding to a pit slope failure at a large gold mine near Elko). We thus need to respond immediately, often dispatching engineers the same day. But getting a contract approved by a large mining company takes weeks under the best of circumstances. Requiring us to have formal written contracts will result in us either decline such assignments (which can produce huge revenue: for the famous slope failure in Utah a few years ago the total engineering fee was circa \$1M) or that we serve our clients best interest, and the interest of public safety, but violate this new law. We also do a lot of business under global master services agreements which may be based in another country (the UK, Canada, Peru or Chile being common) but are intended to be used anywhere we work for them. These will often not meet the test for a contract in Nevada (for a variety of reasons) but are very common in both mining and other heavy industries where the client-consultant relationship is based on years, often decades, of working together. This proposed change will do nothing to improve this work. We also do a lot of work under purchase orders, which do not usually meet the legal test of a "contract." This law seems to target work between engineers and unsophisticated clients. It seems to serve no purpose when the client is as sophisticated, or often more sophisticated, than the consultant.	10/3/2023 9:33 AM
38	No	10/3/2023 9:26 AM
39	Might be slightly more time and money for a contract with each client	10/3/2023 9:17 AM
40	None	10/3/2023 9:13 AM
41	We do not do surveying work in Nevada.	10/3/2023 9:12 AM
42	We are an engineering firm and most of the items were survey related. The schedule vs: date change may be difficult to facilitate effectively since the "date" is target and a schedule is plan. timing changes but end date is what is ultimately important. Opinion is the change adds complexity but not much value.	10/3/2023 8:56 AM
43	None	10/3/2023 8:42 AM
44	n/a	10/3/2023 8:27 AM
45	no	10/3/2023 7:58 AM

Business impacts related to the proposed regulation changes.

46	N/A	10/3/2023 7:44 AM
47	Our current business in Nevada is limited.	10/3/2023 7:43 AM
48	no	10/3/2023 7:28 AM
49	None	10/3/2023 7:24 AM
50	No comments	10/3/2023 7:21 AM
51	NAC 625.545 is getting into the practice of business. Yes, it may be better to provide a schedule for large projects and most sophisticated clients will require it. But so small projects, the client may not care beyond the expected date of completion. Where the Client and Engineer agree that a completion date is adequate, the State should not dictate that more is required. This adds to my work load. Further, there is no definition of schedule so the change has no teeth. The "schedule" can be "it will get done by" It is not a needful change.	10/3/2023 7:05 AM
52	No	10/3/2023 6:52 AM
53	Professional insurance companies already require written contract. Maybe just require E&O insurance for licensees, then no need to require written contracts.	10/3/2023 6:43 AM
54	Changes affect surveying, not engineering.	10/3/2023 6:43 AM
55	As a government agency it is more costly to have incomplete survey data or missing information than to have a proper survey. As someone who obtained their original license in another state, I feel most of these changes reflect basic industry standards and should already be in place and practiced.	10/3/2023 6:18 AM
56	No	10/3/2023 6:05 AM
57	all of the proposed changes only affect land surveying	10/3/2023 6:03 AM
58	NAC 625.545 would disrupt our ability to consult to insurance companies. We presently inspect claims of all sizes in Nevada. Due to their nature, the cost is always unknown. Similarly, large carriers will not sign contracts - it is built on long term trust. If we were to abide by this requirement, we would have to cease all claim and litigation assessment/consulting in Nevada. This would also put the public in greater harm not being able to have insurance claims inspected by engineers.	10/3/2023 5:46 AM
59	I'm not a surveyor, so most changes are not applicable. The remainder appear inconsequential.	10/3/2023 5:41 AM
60	No adverse comment	10/3/2023 5:11 AM
61	Notice to proceed via e-mail in response to an e-mailed fee should be sufficient as a contract.	10/3/2023 5:09 AM
62	None	10/3/2023 5:00 AM
63	None	10/3/2023 4:47 AM
64	NAC 625.545 1) Generally, the State should have very little (if any) involvement in individual contracts as this is a burden on the parties involved. Thus, this addition will add additional time/costs to processing that is normally done quickly and easily with previous understandings and/or master agreement in place between the parties. 3) Per 625.005, the Board only "provides" for licensure. This additional text improperly extends the Board's duties. NAC 625.545 should NOT be added.	10/3/2023 4:30 AM
65	None	10/3/2023 4:17 AM
66	Changes are reasonable	10/3/2023 4:03 AM

Q6 Will a specific proposed change of the regulations have a direct beneficial effect on your business?

Answered: 109 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	6.42%	7
No	93.58%	102
TOTAL		109

Q7 Any comments or explanation relating to your answer to Question 6.

Answered: 58 Skipped: 52

#	RESPONSES	DATE
1	none	10/17/2023 1:20 PM
2	None	10/13/2023 3:09 PM
3	I am in agreement with these changes. I specifically like the changes to NRS 625.670 as it add much needed clarity.	10/13/2023 12:06 PM
4	none	10/13/2023 11:08 AM
5	not a surveyor	10/12/2023 1:02 PM
6	same as 5 above	10/11/2023 5:32 AM
7	None	10/10/2023 7:36 AM
8	None.	10/9/2023 9:54 AM
9	no	10/9/2023 9:14 AM
10	None	10/7/2023 3:07 PM
11	Not doing business in Nevada.	10/7/2023 9:20 AM
12	I never feel that someone writing an arbitrary rule is beneficial for a business. A business should be allowed to succeed and fail on its own and the more regulation, the more likely it is that someone else determines the outcome of businesses final destination.	10/6/2023 6:13 PM
13	-	10/5/2023 8:43 AM
14	No comment	10/4/2023 8:58 PM
15	none	10/4/2023 5:01 PM
16	Make person to be committed though out project life cycle. We can additional include in continuation "and any change to the schedule shall be updated and agreed"	10/4/2023 12:01 PM
17	Our firm does not offer land surveying currently - no impact on us	10/4/2023 5:15 AM
18	No	10/3/2023 7:38 PM
19	None.	10/3/2023 7:08 PM
20	none	10/3/2023 6:40 PM
21	None	10/3/2023 3:09 PM
22	Since technology has improved, why are we lowering the standards for positional certainty. I oppose this change	10/3/2023 2:25 PM
23	N/A	10/3/2023 1:41 PM
24	none	10/3/2023 12:41 PM
25	See previous	10/3/2023 12:33 PM
26	No	10/3/2023 12:07 PM
27	no	10/3/2023 10:44 AM
28	none	10/3/2023 10:31 AM
29	I have been in business along time. When I look back at how we did business in the 80's and 90's it was good. We make a decent living, we paid our bills and our obligations. Things	10/3/2023 10:22 AM

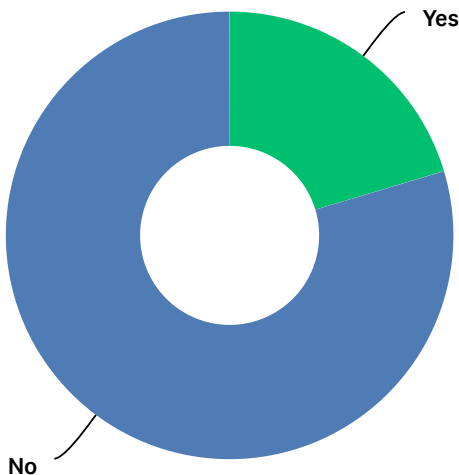
Business impacts related to the proposed regulation changes.

changed in 2000 and by 2010 it was not the same business.- there were so many cut-throat surveyors who worked off their kitchen table, turned out an inferior product and had no moral and professional ethics. Had we not had long standing clients who knew the quality of our work, we would have been out of business. My comments in 4 above are applicable. Stay out of the lives and business of engineering professionals. I can't see down the road that far but again, This much I know, by trying to quantify and regulate the business of surveying and engineering you will be creating road block to the smooth flow of the work product. You can not regulate every little thing, you can not micro manage these jobs because each one is so different.

30	No impact seen	10/3/2023 10:01 AM
31	I see no economic benefits to anyone in the changes. Maybe some to the public. It just looks like more confusion and paperwork from the business side.	10/3/2023 9:36 AM
32	It clarifies the changes.	10/3/2023 9:34 AM
33	The effects will be entirely detrimental. We do not need this statute to protect our business and thus it adds no value, but it will cost us business.	10/3/2023 9:33 AM
34	No	10/3/2023 9:26 AM
35	None	10/3/2023 9:17 AM
36	None	10/3/2023 9:13 AM
37	No	10/3/2023 9:12 AM
38	Not in surveying - does not apply.	10/3/2023 8:56 AM
39	changing completion date to schedule makes much more sense.	10/3/2023 8:56 AM
40	None	10/3/2023 8:42 AM
41	none	10/3/2023 7:58 AM
42	N/A	10/3/2023 7:44 AM
43	no	10/3/2023 7:28 AM
44	None	10/3/2023 7:24 AM
45	no comments	10/3/2023 7:21 AM
46	Written contract. We write contracts for all work to be performed but seldom have them returned with signatures.	10/3/2023 7:08 AM
47	Most of the changes relate to Surveying, not engineering so have no expected impact.	10/3/2023 7:05 AM
48	Changes affect surveying, not engineering.	10/3/2023 6:43 AM
49	Having a proper survey in line with industry standards is beneficial to all in order to avoid costly changes in the project at a later date.	10/3/2023 6:18 AM
50	We don't provide surveying	10/3/2023 6:05 AM
51	N/A	10/3/2023 6:03 AM
52	see above	10/3/2023 5:41 AM
53	no comment	10/3/2023 5:11 AM
54	None	10/3/2023 4:47 AM
55	Per previous comment, it only adds more burdens. As a PE, contracts that I engage in are solely my responsibility and should only be monitored (per 625) in their resulting impact on the public health, safety, and welfare, legally performed. If that impact is all positive, it is not for the State/Board to regulate any further.	10/3/2023 4:30 AM
56	None	10/3/2023 4:17 AM
57	Changes are reasonable	10/3/2023 4:03 AM

Q8 Do you anticipate any indirect adverse effects from the proposed regulation changes on your business?

Answered: 108 Skipped: 2



ANSWER CHOICES		RESPONSES	
Yes		20.37%	22
No		79.63%	86
TOTAL			108

Q9 Any comments or explanation relating to your answer to Question 8.

Answered: 61 Skipped: 49

#	RESPONSES	DATE
1	none	10/17/2023 1:20 PM
2	None	10/13/2023 3:09 PM
3	none	10/13/2023 11:08 AM
4	none	10/12/2023 1:02 PM
5	same as 5 above	10/11/2023 5:32 AM
6	None	10/10/2023 7:36 AM
7	None.	10/9/2023 9:54 AM
8	no	10/9/2023 9:14 AM
9	None	10/7/2023 3:07 PM
10	Not doing business in Nevada.	10/7/2023 9:20 AM
11	I think that you are making a big mistake changing all of the "Shall" to "Must". I am not sure what you are really doing, shall does give a little bit of wiggle room, it is encouraging a surveyor to do the right thing, but is not requiring them to do it on every job. When you say must, you are telling the surveyor that they MUST do something or they can be held liable if they do not. If the job does not require something to be done, it should be at the discretion of the surveyor. It is the surveyor who will ultimately be held responsible, all this language does, is give a lawyer (not a surveyor), the right to find fault in what the surveyor has done. Give the surveyor the power, not the lawyers. Provide the language that strengthens the surveyors ability to make their own decisions and feel confident that they will not be in prison if there best is not good enough (mistakes really do happen, surveyors are just people with a technical skill)	10/6/2023 6:13 PM
12	-	10/5/2023 8:43 AM
13	NAC625.666(6) is highly specific and could be onerous to include in contract language unless reference to "standards of practice" (which would include NAC) is sufficient.	10/5/2023 7:27 AM
14	No comm	10/4/2023 8:58 PM
15	none	10/4/2023 5:01 PM
16	Our firm does not offer land surveying currently - no impact on us	10/4/2023 5:15 AM
17	No	10/3/2023 7:38 PM
18	None.	10/3/2023 7:08 PM
19	none	10/3/2023 6:40 PM
20	Yes. See my response to #5.	10/3/2023 5:07 PM
21	None	10/3/2023 3:09 PM
22	This will lead to shoddy workmanship. I have seen lawsuits over less than a .1 of a foot	10/3/2023 2:25 PM
23	N/A	10/3/2023 1:41 PM
24	none	10/3/2023 12:41 PM
25	See previous	10/3/2023 12:33 PM
26	No	10/3/2023 12:07 PM
27	no	10/3/2023 10:44 AM

Business impacts related to the proposed regulation changes.

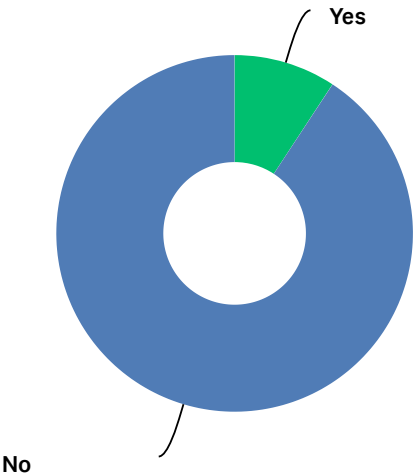
28	unnecessary paperwork and complicating doing work in Nevada when similar burdens do not exist in other states.	10/3/2023 10:33 AM
29	n/a	10/3/2023 10:31 AM
30	Same comments in 4 and 7 apply.	10/3/2023 10:22 AM
31	The requirement to add the project schedule to our contract language potentially opens the door for more liability. Schedules ALWAYS move and we don't want to have to revise our original contract to the new schedule.	10/3/2023 10:21 AM
32	No	10/3/2023 10:01 AM
33	I am in a bordering state. With the new provisions working in Nevada will be a last choice.	10/3/2023 9:36 AM
34	None	10/3/2023 9:34 AM
35	Addressed above.	10/3/2023 9:33 AM
36	No	10/3/2023 9:26 AM
37	None	10/3/2023 9:17 AM
38	None	10/3/2023 9:13 AM
39	No	10/3/2023 9:12 AM
40	*NAC 625.655 Reference to only "statutes and regulations" and removing the reference to portions of NAC 625 is concerning. *NAC 625.666/775- Meters should not be removed, 625 allows for either meters or feet to be used. The use of "U.S. Survey Feet" in 625.666 and "Feet" in 625.775 should be harmonized. NOAA & NIST has moved to replace the US Survey foot (1200/3937 ft/m) with the international foot (0.3048 ft/m) [the foot in the US is currently defined by a relation to the meter].	10/3/2023 8:59 AM
41	Not in surveying - does not apply.	10/3/2023 8:56 AM
42	None	10/3/2023 8:42 AM
43	none	10/3/2023 7:58 AM
44	I believe a parts per million is needed for the Positional Certainty component located under NAC 625.666 is needed. If you measure 10 miles, are you required to be within .15"? This seems unattainable. I suggest using the ALTA standards when it comes to positional certainty.	10/3/2023 7:44 AM
45	none	10/3/2023 7:28 AM
46	None	10/3/2023 7:24 AM
47	no comments	10/3/2023 7:21 AM
48	I believe NAC 625.666 in regards to Land Boundary Surveys should more closely align with the Measurement Standards described in the NSPS/ALTA Minimum Standard Detail Requirements Paragraph 3 E	10/3/2023 7:20 AM
49	Added work load and possible elements of lawsuits where a client can claim that work performed by a due date did not meet the letter of the law because no schedule was provided and hence the law was broken and no compensation for the work is required.	10/3/2023 7:05 AM
50	No	10/3/2023 6:43 AM
51	Changes affect surveying, not engineering.	10/3/2023 6:43 AM
52	These are all necessary changes and are basic surveying standards.	10/3/2023 6:18 AM
53	It looks like they wouldn't need to provide the topography but for our business we have to include that information.	10/3/2023 6:05 AM
54	possible increase in design project costs if design project includes land surveying.	10/3/2023 6:03 AM
55	We will stop conducting business in Nevada.	10/3/2023 5:46 AM
56	see above	10/3/2023 5:41 AM

Business impacts related to the proposed regulation changes.

57	None	10/3/2023 5:11 AM
58	None	10/3/2023 4:47 AM
59	Additional costs. Additional time. No benefit.	10/3/2023 4:30 AM
60	None	10/3/2023 4:17 AM
61	So impact may not be know at this time	10/3/2023 4:03 AM

Q10 Do you anticipate any indirect beneficial effects on your business from the proposed changes?

Answered: 108 Skipped: 2



ANSWER CHOICES		RESPONSES	
Yes		9.26%	10
No		90.74%	98
TOTAL			108

Q11 Any comments or explanation relating to your answer to Question 10.

Answered: 52 Skipped: 58

#	RESPONSES	DATE
1	none	10/17/2023 1:20 PM
2	None	10/13/2023 3:09 PM
3	none	10/13/2023 11:08 AM
4	none	10/12/2023 1:02 PM
5	same as 5 above	10/11/2023 5:32 AM
6	I think that this is a more logical wording.	10/10/2023 10:35 AM
7	None	10/10/2023 7:36 AM
8	None.	10/9/2023 9:54 AM
9	no	10/9/2023 9:14 AM
10	None	10/7/2023 3:07 PM
11	Not doing business in Nevada.	10/7/2023 9:20 AM
12	This sentence is so vague, that I could sue any surveyor I hire: "When engaging in the practice of land surveying in this State, a professional land surveyor shall must apply all applicable statutes and regulations." Wow, "apply all applicable statutes and regulations"? That is going to bite someone in the end. Freedom for the surveyor, not vagueness and ambiguity.	10/6/2023 6:13 PM
13	-	10/5/2023 8:43 AM
14	Clarity has a general improving effect on professional practice. I do have a few comments: NAC625.666(4) confusingly references two types of survey; overall, "his or her" could be replaced with "their" and save pages of language.	10/5/2023 7:27 AM
15	N/a	10/4/2023 8:58 PM
16	none	10/4/2023 5:01 PM
17	Our firm does not offer land surveying currently - no impact on us	10/4/2023 5:15 AM
18	No	10/3/2023 7:38 PM
19	None.	10/3/2023 7:08 PM
20	none	10/3/2023 6:40 PM
21	NOne	10/3/2023 3:09 PM
22	N/A	10/3/2023 1:41 PM
23	none	10/3/2023 12:41 PM
24	See previous	10/3/2023 12:33 PM
25	No	10/3/2023 12:07 PM
26	no	10/3/2023 10:44 AM
27	n/a	10/3/2023 10:31 AM
28	It has been my experience over a long period of time that there is never ny benefits -- IT JUST COSTS US MONEY.	10/3/2023 10:22 AM
29	No	10/3/2023 10:01 AM

Business impacts related to the proposed regulation changes.

30	I don't see how any of the changes help the business side.	10/3/2023 9:36 AM
31	None	10/3/2023 9:34 AM
32	No	10/3/2023 9:26 AM
33	None	10/3/2023 9:17 AM
34	Possibly make potential clients select insured engineers/surveyors. Tends to level the playing field in terms of cost/expense.	10/3/2023 9:13 AM
35	No	10/3/2023 9:12 AM
36	Not in surveying - does not apply.	10/3/2023 8:56 AM
37	None	10/3/2023 8:42 AM
38	none	10/3/2023 7:58 AM
39	N/A	10/3/2023 7:44 AM
40	none	10/3/2023 7:28 AM
41	None	10/3/2023 7:24 AM
42	The proposed changes add clarity, remove gray areas in construction and mapping.	10/3/2023 7:21 AM
43	No	10/3/2023 6:43 AM
44	Changes affect surveying, not engineering.	10/3/2023 6:43 AM
45	Better quality surveys and the ability to recite NAC for surveyors who do not perform surveys in conformance with basic industry standards.	10/3/2023 6:18 AM
46	no	10/3/2023 6:05 AM
47	N/A	10/3/2023 6:03 AM
48	see above	10/3/2023 5:41 AM
49	No	10/3/2023 5:11 AM
50	None	10/3/2023 4:47 AM
51	None	10/3/2023 4:17 AM
52	NC	10/3/2023 4:03 AM

**ADOPTED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R117-24

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

AUTHORITY: §§ 1, 2 and 15, NRS 630.130; §§ 3, 5, 7, 12 and 13, NRS 630.130 and 630.275; § 4, NRS 630.130 and 630.253; § 6, NRS 630.130, 630.253 and 630.275; § 8, NRS 630.130 and 630.279; § 9, NRS 622.530, 630.130 and 630.279; § 10, NRS 630.130, 630.269 and 630.2691; § 11, NRS 622.530, 630.130 and 630.269; § 14, NRS 630.130 and 630.26825.

A REGULATION relating to medical professionals; authorizing, with certain exceptions, certain custodians of health care records to recover the cost of a medium used to furnish a copy of health care records electronically; prohibiting a physician assistant from performing certain cosmetic surgeries without the direct supervision of a physician; authorizing, with certain exceptions, the holder of a license to practice medicine or a license to practice as a physician assistant to receive additional credit for certain continuing education; revising the required contents of an application for certain licenses; revising various procedures relating to the imposition of disciplinary action against certain medical professionals; repealing certain duplicative provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a custodian of health care records to make the health care records of a patient available for physical inspection by certain authorized persons. Existing law further requires a custodian of health care records to furnish a copy of the record to an authorized person who requests the record and pays certain costs of furnishing the record. (NRS 629.061) **Section 2** of this regulation authorizes, with certain exceptions, a physician, physician assistant, practitioner of respiratory care, perfusionist or anesthesiologist assistant to charge an authorized person the cost of a medium used to furnish health care records electronically.

Section 3 of this regulation prohibits a physician assistant from performing cosmetic surgeries without the direct supervision of his or her supervising physician if the cosmetic surgery is not medically necessary and involves certain anesthesia or sedation.

Existing law provides for the licensure and regulation of physicians, physician assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) **Sections 5, 8-11 and 14** of this regulation revise requirements concerning the

information that an applicant for a license as a physician assistant, practitioner of respiratory care, perfusionist or anesthesiologist assistant must provide concerning licenses that he or she holds or has held in other jurisdictions. **Sections 9 and 11** make additional changes concerning the contents of an application for licensure by endorsement as a practitioner of respiratory care or perfusionist.

Existing law requires the Board to encourage the holders of licenses to practice medicine to receive continuing education related to training concerning methods for educating patients about how to effectively manage medications. (NRS 630.253) **Sections 4 and 6** of this regulation authorize the holder of a license to practice medicine or as a physician assistant to receive double hours of credit for such continuing education, with certain exceptions.

Existing regulations prescribe procedures concerning prehearing conferences in proceedings relating to physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists. (NAC 630.465) **Section 7** of this regulation clarifies that each party to such a proceeding is required to submit to the presiding member of the Board or panel or to the hearing officer conducting the conference: (1) each issue in the case which has been resolved by negotiation or stipulation; and (2) an estimate of the time required to present arguments at the hearing.

Existing law defines “nonablative esthetic medical procedure” to mean a procedure performed for esthetic purposes using certain medical devices which is not expected to excise, vaporize, disintegrate or remove living tissue. (NRS 644A.127) Existing regulations authorize a physician or a physician assistant acting under the supervision of a physician to supervise an advanced esthetician in the performance of a nonablative esthetic medical procedure that is within the scope of practice of the physician or physician assistant, as applicable. (Section 2 of LCB File No. R177-22) **Section 12** of this regulation additionally requires a physician or a physician assistant who supervises an advanced esthetician in the performance of a nonablative esthetic medical procedure to be licensed and in good standing.

Existing law requires a regulatory body, including the Board, to provide a licensee with notice of a contested case against the licensee. (NRS 233B.121, 241.0333, 622A.300) **Section 15** of this regulation repeals duplicative provisions providing that the Board will give a physician assistant or practitioner of respiratory care a written notice of the charges made against physician assistant or practitioner of respiratory care. (NAC 630.390, 630.545) **Section 13** of this regulation provides that the Board will provide a copy of any order imposing disciplinary action against a physician assistant to each supervising physician of the physician assistant.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Subject to the limitations prescribed in NRS 629.062, if a physician, physician assistant, practitioner of respiratory care, perfusionist or anesthesiologist assistant furnishes*

health care records of a patient electronically to the patient or another person authorized to inspect the health care records pursuant subsection 1 of NRS 629.061, the physician, physician assistant, practitioner of respiratory care, perfusionist or anesthesiologist assistant may charge the patient or other person, as applicable, the cost of the medium used to provide the health care records, including, without limitation, a USB flash drive, thumb drive or CD-ROM.

Sec. 3. *1. A physician assistant shall not perform a cosmetic surgery without the direct supervision of his or her supervising physician if the cosmetic surgery:*

(a) Is not medically necessary; and

(b) Involves the administration of general anesthesia, conscious sedation, deep sedation, tumescent anesthesia or any other sedation by medication, regardless of whether the patient is awake.

2. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Cosmetic surgery" means a liposuction, facelift, abdomen reduction, neck lift, otoplasty, rhinoplasty, blepharoplasty, breast augmentation, breast lift, breast reduction, belt lipectomy, inner thigh lift, arm lift or circumferential body lift.

(c) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(d) "Direct supervision" means the supervising physician is physically present in the same room while the physician assistant is performing the cosmetic surgery.

(e) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

Sec. 4. NAC 630.155 is hereby amended to read as follows:

630.155 1. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a holder of a license to practice medicine takes a continuing education course on geriatrics and gerontology, the holder of the license is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.153 equal to twice the number of hours the holder of the license actually spends in the continuing education course on geriatrics and gerontology.

2. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a holder of a license to practice medicine takes a continuing education course on the recent developments, research and treatment of Alzheimer's disease or other forms of dementia, the holder of the license is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.153 equal to twice the number of hours the holder of the license actually spends in the continuing education course on the recent developments, research and treatment of Alzheimer's disease or other forms of dementia.

3. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a holder of a license to practice medicine takes a continuing education course on the diagnosis of rare diseases, the holder of the license is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.153 equal to twice the number of hours the holder of the license actually spends in the continuing education course on the diagnosis of rare diseases.

4. *Except as otherwise provided in subsections 5 and 6, if a holder of a license to practice medicine takes a continuing education course on the methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug, the holder of the license is entitled to receive credit*

towards the continuing medical education required pursuant to NAC 630.153 equal to twice the number of hours the holder of the license actually spends in the continuing education course on the methods for educating patients about how to effectively manage medications.

5. During any biennial licensing period, a holder of a license to practice medicine may receive a maximum credit pursuant to this section of 8 hours of continuing medical education for 4 hours of time spent in a continuing education course described in subsection 1, 2, 3 or ~~3, 4~~, or any combination thereof.

~~5, 6~~ 6. A holder of a license to practice medicine is only entitled to receive the additional credit for a continuing education course pursuant to either subsection 1, 2, 3 or ~~3, 4~~, but not any combination thereof.

Sec. 5. NAC 630.290 is hereby amended to read as follows:

630.290 1. An application for licensure as a physician assistant must be made on a form supplied by the Board. The application must state:

- (a) The date and place of the applicant's birth and his or her sex;
- (b) The applicant's postsecondary education as a physician assistant, including, without limitation, postsecondary institutions attended, the length of time in attendance at each and whether he or she is a graduate of those schools and institutions;
- (c) ~~{Whether the applicant has ever applied for a}~~ *Each* license ~~{or certificate}~~ as a physician assistant *that the applicant currently holds or has held in the District of Columbia or* in another state ~~{and, if so, when and where and the results of his}~~ *or territory of the United States* or ~~{her application;}~~ *in any other country;*

(d) The applicant's work experience for the 5 years immediately preceding the date of his or her application;

(e) Whether the applicant has ever been investigated for misconduct as a physician assistant or had a license ~~for certificate~~ as a physician assistant revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against the applicant by a licensing body in ~~any jurisdiction;~~ *the District of Columbia or in another state or territory of the United States or in any other country;*

(f) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding a minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(g) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of controlled substances;

(h) Whether the applicant has an untreated medical condition that may affect his or her ability to practice as a physician assistant; and

(i) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof of completion of an educational program as a physician assistant:

(1) If the applicant completed the educational program on or before December 31, 2001, which was approved by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs; or

(2) If the applicant completed the educational program on or after January 1, 2002, which is accredited by the Accreditation Review Commission on Education for the Physician Assistant or approved by the Commission on Accreditation of Allied Health Education Programs;

(b) Proof of passage of the examination given by the National Commission on Certification of Physician Assistants; and

(c) Such further evidence and other documents or proof of qualifications as required by the Board.

3. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:

(a) The applicant is the person named in the proof of completion of an educational program as a physician assistant required by subsection 2;

(b) The proof of completion of the education program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All of the information contained in the application and any accompanying material complete and correct.

4. The application must be accompanied by the applicable fee.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. As used in this section, "license as a physician assistant":

(a) Means any professional credential that authorizes a person to practice as a physician assistant; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as a physician assistant.

Sec. 6. NAC 630.357 is hereby amended to read as follows:

630.357 1. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a physician assistant takes a continuing education course on geriatrics and gerontology, the physician assistant is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.350 equal to twice the number of hours the physician assistant actually spends in the continuing education course on geriatrics and gerontology.

2. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a physician assistant takes a continuing education course on the recent developments, research and treatment of Alzheimer's disease or other forms of dementia, the physician assistant is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.350 equal to twice the number of hours the physician assistant actually spends in the continuing education course on the recent developments, research and treatment of Alzheimer's disease or other forms of dementia.

3. Except as otherwise provided in subsections ~~44~~ 5 and ~~55~~ 6, if a physician assistant takes a continuing education course on the diagnosis of rare diseases, the physician assistant is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.350 equal to twice the number of hours the physician assistant actually spends in the continuing education course on the diagnosis of rare diseases.

4. *Except as otherwise provided in subsections 5 and 6, if a physician assistant takes a continuing education course on the methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug, the physician assistant is entitled to receive credit towards the continuing medical education required pursuant to NAC 630.350 equal to twice the number of hours the physician assistant actually spends in the continuing education course on the methods for educating patients about how to effectively manage medications.*

5. During any biennial licensing period, a physician assistant may receive a maximum credit pursuant to this section of 8 hours of continuing medical education for 4 hours of time spent in a continuing education course described in subsection 1, 2, 3 or ~~3.5~~ 4, or any combination thereof.

~~3.5~~ 6. A physician assistant is only entitled to receive the additional credit for a continuing education course pursuant to either subsection 1, 2, 3 or ~~3.5~~ 4, but not any combination thereof.

Sec. 7. NAC 630.465 is hereby amended to read as follows:

630.465 1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless a different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

2. Each party shall provide to every other party a copy of the list of proposed witnesses and their qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on the list of proposed witnesses may not testify at the hearing unless good cause is shown.

3. In addition to the requirements of NRS 622A.330, each party shall provide to every other party any evidence that the party proposes to introduce at a hearing. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference may not be introduced or admitted at the hearing unless good cause is shown.

4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer conducting the conference each issue *in the case* which has been resolved by negotiation or stipulation and an estimate, to the nearest hour, of the time required for presentation of its ~~oral argument.~~ *arguments at the hearing.*

Sec. 8. NAC 630.505 is hereby amended to read as follows:

630.505 1. An application for licensure as a practitioner of respiratory care must be made on a form supplied by the Board. The application must include:

(a) The date of birth and the birthplace of the applicant and his or her sex;

(b) The postsecondary education of the applicant as a practitioner of respiratory care, including, without limitation, postsecondary institutions and professional institutions attended, the length of time in attendance at each institution and whether he or she is a graduate of those institutions;

(c) ~~Whether the applicant has ever applied for a~~ *A list of each* license ~~for certificate~~ as a practitioner of respiratory care *that the applicant currently holds or has held in the District of*

Columbia or in another state ~~{and, if so, when and where and the results of his}~~ *or territory of the United States or {her application;} in any other country;*

(d) The work experience of the applicant for the 5 years immediately preceding the date of his or her application;

(e) Whether the applicant has ever been investigated for misconduct as a practitioner of respiratory care or had a license ~~{or certificate}~~ as a practitioner of respiratory care revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against him or her by a licensing body in ~~{any jurisdiction;}~~ *the District of Columbia or in another state or territory of the United States or in any other country;*

(f) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding a minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(g) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of controlled substances;

(h) Whether the applicant has an untreated medical condition that may affect his or her ability to practice respiratory care; and

(i) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof of completion of an educational program as a practitioner of respiratory care that is approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Commission on Accreditation for Respiratory Care or its successor organization;

(b) Proof of passage of the examinations required by NRS 630.277 and NAC 630.500 and 630.515; and

(c) Such further evidence and other documents or proof of qualifications as required by the Board.

3. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:

(a) The applicant is the person named in the proof of completion of an education program as a practitioner of respiratory care required by subsection 2;

(b) The proof of completion of the education program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

4. The application must be accompanied by the applicable fees for the application for licensure and biennial registration.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. As used in this section, "license as a practitioner of respiratory care":

(a) Means any professional credential that authorizes a person to engage in the practice of respiratory care; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as a practitioner of respiratory care.

Sec. 9. NAC 630.513 is hereby amended to read as follows:

630.513 1. An application for licensure by endorsement as a practitioner of respiratory care must be made on a form supplied by the Board. The application must include:

- (a) The date of birth and the birthplace of the applicant and his or her sex;
- (b) The postsecondary education of the applicant as a practitioner of respiratory care, including, without limitation, postsecondary institutions and professional institutions attended, the length of time in attendance at each institution and whether he or she is a graduate of those institutions;
- (c) ~~{Whether the applicant has ever applied for a}~~ *A list of each* license ~~{or certificate}~~ as a practitioner of respiratory care *that the applicant currently holds or has held* in the District of Columbia or in another state or territory of the United States ~~{and, if so, when and where and the results of his or her application;}~~ *or in any other country;*
- (d) The work experience of the applicant for the 5 years immediately preceding the date of his or her application;
- (e) Whether the applicant has been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States *or in any other country* in which the applicant currently holds or has held a license ~~{to engage in the practice}~~ *as a practitioner* of respiratory care;

(f) Whether the applicant has been held civilly or criminally liable in the District of Columbia or any state or territory of the United States *or in any other country* for misconduct relating to his or her license ~~to engage in the practice~~ *as a practitioner* of respiratory care;

(g) Whether the applicant has had a license ~~to engage in the practice~~ *as a practitioner* of respiratory care suspended or revoked in the District of Columbia or any state or territory of the United States ~~to~~ *or in any other country*;

(h) Whether the applicant has pending any disciplinary action concerning his or her license ~~to engage in the practice~~ *as a practitioner* of respiratory care in the District of Columbia or any state or territory of the United States ~~to~~ *or in any other country*;

(i) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding any minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(j) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of the or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of controlled substances;

(k) Whether the applicant has an untreated medical condition that may affect his or her ability to practice respiratory care; and

(l) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof that he or she holds a corresponding valid and unrestricted license to engage in the practice of respiratory care in the District of Columbia or any state or territory of the United States;

(b) Proof that he or she has engaged in the practice of respiratory care for a period of at least 12 months immediately preceding the date on which the application is submitted;

(c) Proof of completion of an educational program as a practitioner of respiratory care that is approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Commission on Accreditation for Respiratory Care or its successor organization, or another educational program as approved by the Board;

(d) Proof of passage of the examinations required by NRS 630.277 and NAC 630.500 and 630.515;

(e) Such further evidence and other documents or proof of qualifications as required by the Board;

(f) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520;

(g) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(h) A complete set of his or her 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 or proof that the applicant has previously passed a comparable criminal background check.

3. Each application must be signed by the applicant and ~~sworn to before a notary public or other officer authorized to administer oaths.~~ *accompanied by a signed affidavit indicating that:*

(a) The applicant is the person named in the proof of completion of an education program as a practitioner of respiratory care required by subsection 2;

(b) The proof of completion of the education program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

4. The application must be accompanied by the applicable fees for the application for licensure and biennial registration.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. Not later than 21 business days after receiving an application for a license by endorsement pursuant to this section, the Board will provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to engage in the practice of respiratory care to the applicant not later than:

(a) Sixty days after receiving the application; or

(b) Fifteen days after the Board receives the report from the Federal Bureau of Investigation or proof that the applicant has previously passed a comparable criminal background check, as required by paragraph (h) of subsection 2,

↳ whichever occurs later.

7. A license by endorsement to engage in the practice of respiratory care in this State issued pursuant to this section may be issued at a meeting of the Board or between its meetings by the presiding member of the Board and the executive director of the Board. Such an action shall be deemed to be an action of the Board.

8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 , *as amended by section 3 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 92*, for the initial issuance of the license.

9. The Board will not issue a license by endorsement pursuant to this section if an applicant has:

(a) Been disciplined by or has a disciplinary action pending with the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license as a practitioner of respiratory care or an equivalent license;

(b) Had his or her license as a practitioner of respiratory care or an equivalent license suspended or revoked in the District of Columbia or any state or territory of the United States; or

(c) Been refused or denied a license as a practitioner of respiratory care or an equivalent license in the District of Columbia or any state or territory of the United States.

10. In addition to the grounds set forth in subsection 9 and NAC 630.510 and 630.540, the Board may deny an application for licensure by endorsement pursuant to this section if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the Board has not previously taken disciplinary action against the applicant based on that conviction.

11. As used in this section, “license as a practitioner of respiratory care”:

(a) Means any professional credential that authorizes a person to engage in the practice of respiratory care; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as a practitioner of respiratory care.

Sec. 10. NAC 630.700 is hereby amended to read as follows:

630.700 1. An application for licensure as a perfusionist must be made on a form provided by the Board. The application must set forth:

- (a) The date and place of birth of the applicant;
- (b) The gender of the applicant;
- (c) The postsecondary education of the applicant as a perfusionist, including, without limitation, each postsecondary institution attended by the applicant, the dates of attendance and whether the applicant is a graduate of those institutions;
- (d) ~~If the applicant has ever applied for a~~ *Each* license ~~for certificate~~ to practice perfusion *that the applicant currently holds or has held* in *the District of Columbia or* another state *or*

territory of the United States or ~~jurisdiction, the date and disposition of the application;~~ *in any other country;*

(e) The work experience of the applicant for the 5 years immediately preceding the date on his or her application;

(f) If the applicant has ever been investigated for misconduct in the practice of perfusion, had a license ~~for certificate~~ to practice perfusion revoked, modified, limited or suspended or had any disciplinary action or proceeding instituted against the applicant by a licensing body *in the District of Columbia* or in another state or ~~jurisdiction;~~ *or territory of the United States or in any other country,* the dates, circumstances and disposition of each such occurrence;

(g) If the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding any minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(h) If the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of a controlled substance;

(i) Whether the applicant has an untreated medical condition that may affect his or her ability to practice perfusion; and

(j) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof of completion of a perfusion education program that satisfies the requirements of NRS 630.2691. For the purpose of that section, the following perfusion education programs shall be deemed approved by the Board:

(1) Any perfusion education program completed by the applicant on or before June 1, 1994, which was approved by the Committee on Allied Health Education and Accreditation of the American Medical Association;

(2) Any perfusion education program completed by the applicant after June 1, 1994, which was accredited by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor; or

(3) Any other perfusion education program completed by the applicant, the educational standards of which the Board determines are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor.

(b) Except as otherwise provided in NRS 630.2693, proof of passage of the certification examination given by the American Board of Cardiovascular Perfusion or its successor, as required by NRS 630.2692.

(c) Such further evidence and other documents or proof of qualifications as are required by the Board.

3. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:

(a) The applicant is the person named in the proof of completion of an education program as a practitioner of respiratory care required by subsection 2;

(b) The proof of completion of the education program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

4. The application must be accompanied by the applicable fee.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. As used in this section, "license to practice perfusion":

(a) Means any professional credential that authorizes a person to engage in the practice of perfusion; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as a perfusionist.

Sec. 11. NAC 630.715 is hereby amended to read as follows:

630.715 1. An application for licensure by endorsement as a perfusionist must be made on a form supplied by the Board. The application must include:

(a) The date and place of birth of the applicant;

(b) The gender of the applicant;

(c) The postsecondary education of the applicant as a perfusionist, including, without limitation, each postsecondary institution attended by the applicant, the dates of attendance and whether the applicant is a graduate of those institutions;

(d) ~~{Whether the applicant has ever applied for a}~~ *Each* license ~~{or certificate}~~ to practice perfusion *that the applicant currently holds or has held* in the District of Columbia or in another state or territory of the United States ~~{and, if so, when and where and the results of his or her application;}~~ *or in any other country;*

(e) The work experience of the applicant for the 5 years immediately preceding the date of his or her application;

(f) Whether the applicant has been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States *or in any other country* in which the applicant currently holds or has held a license to practice perfusion;

(g) Whether the applicant has been held civilly or criminally liable in the District of Columbia or any state or territory of the United States *or in any other country* for misconduct relating to his or her license to practice perfusion;

(h) Whether the applicant has had a license to practice perfusion suspended or revoked in the District of Columbia or any state or territory of the United States ~~{}~~ *or in any other country;*

(i) Whether the applicant has pending any disciplinary action concerning his or her license to practice perfusion in the District of Columbia or any state or territory of the United States ~~{}~~ *or in any other country;*

(j) If the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding any minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(k) If the applicant has ever been arrested for, investigated for, charged with, convicted of the or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of a controlled substance;

(l) Whether the applicant has an untreated medical condition that may affect his or her ability to practice perfusion; and

(m) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof that he or she holds a corresponding valid and unrestricted license to practice perfusion in the District of Columbia or any state or territory of the United States.

(b) Proof that he or she has engaged in the practice of perfusion for a period of at least 12 months immediately preceding the date on which the application is submitted.

(c) Proof of completion of a perfusion education program that satisfies the requirements of NRS 630.2691. For the purpose of that section, the following perfusion education programs shall be deemed approved by the Board:

(1) Any perfusion education program completed by the applicant on or before June 1, 1994, which was approved by the Committee on Allied Health Education and Accreditation of the American Medical Association;

(2) Any perfusion education program completed by the applicant after June 1, 1994, which was accredited by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association or its successor; or

(3) Any other perfusion education program completed by the applicant, the educational standards of which the Board determines are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association or its successor.

(d) Unless the examination requirement is waived pursuant to NRS 630.2693, proof of passage of the certification examination given by the American Board of Cardiovascular Perfusion or its successor, as required by NRS 630.2692.

(e) Such further evidence and other documents or proof of qualifications as required by the Board.

(f) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

(g) An affidavit stating that the information contained in the application and any accompanying material is true and complete.

(h) A complete set of his or her 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 or proof that the applicant has previously passed a comparable criminal background check.

3. Each application must be signed by the applicant and ~~sworn to before a notary public or other officer authorized to administer oaths.~~ *accompanied by a signed affidavit indicating that:*

(a) The applicant is the person named in the proof of completion of an education program as a perfusionist required by subsection 2;

(b) The proof of completion of the education program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

4. The application must be accompanied by the applicable fees for the application for licensure and biennial registration.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. Not later than 21 business days after receiving an application for a license by endorsement pursuant to this section, the Board will provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to practice perfusion to the applicant not later than:

(a) Sixty days after receiving the application; or

(b) Fifteen days after the Board receives the report from the Federal Bureau of Investigation or proof that the applicant has previously passed a comparable criminal background check, as required by paragraph (h) of subsection 2,

↳ whichever occurs later.

7. A license by endorsement to practice perfusion in this State issued pursuant to this section may be issued at a meeting of the Board or between its meetings by the presiding member of the Board and the executive director of the Board. Such an action shall be deemed to be an action of the Board.

8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 , *as amended by section 3 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 92*, for the initial issuance of the license.

9. The Board will not issue a license by endorsement pursuant to this section if an applicant has:

(a) Been disciplined by or has a disciplinary action pending with the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license as a perfusionist or an equivalent license;

(b) Had his or her license as a perfusionist or an equivalent license suspended or revoked in the District of Columbia or any state or territory of the United States; or

(c) Been refused or denied a license as a perfusionist or an equivalent license in the District of Columbia or any state or territory of the United States.

10. In addition to the grounds set forth in subsection 9 and NAC 630.710 and 630.770, the Board may deny an application for licensure by endorsement pursuant to this section if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the Board has not previously taken disciplinary action against the applicant based on that conviction.

11. As used in this section, “license to practice perfusion”:

(a) Means any professional credential that authorizes a person to engage in the practice of perfusion; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as a perfusionist.

Sec. 12. Section 2 of LCB File No. R177-22 is hereby amended as follows:

1. A physician may supervise an advanced esthetician in the performance of a nonablative esthetic medical procedure pursuant to NRS 644A.545 if ~~the~~ :

(a) The procedure is within the scope of practice of the physician ~~the~~ ; and

(b) The physician has an active license and is in good standing in this State.

2. A physician assistant may supervise an advanced esthetician in the performance of a nonablative esthetic medical procedure pursuant to NRS 644A.545 if:

(a) The procedure is within the scope of practice of the physician assistant; ~~and~~

(b) The supervision is supervised by the supervising physician of the physician assistant in accordance with NAC 630.360, 630.370 and 630.375 ~~the~~ ; and

(c) The physician assistant has an active license and is in good standing in this State.

3. As used in this section:

(a) “Advanced esthetician” has the meaning ascribed to it in NRS 644A.013.

(b) “Nonablative esthetic medical procedure” has the meaning ascribed to it in NRS 644A.127.

Sec. 13. Section 2 of LCB File No. R189-22 is hereby amended to read as follows:

1. If the Board issues a letter of warning, a letter of concern or a nonpunitive admonishment to a physician assistant pursuant to NRS 630.299, the Board will deliver a copy of the letter or admonishment to each supervising physician of the physician assistant.

2. If the Board imposes disciplinary action against a physician assistant, the Board will deliver a copy of the order imposing disciplinary action to each supervising physician of the physician assistant.

Sec. 14. Section 4 of LCB File No. R069-23 is hereby amended as follows:

1. An application for licensure as an anesthesiologist assistant must be made on a form supplied by the Board. The application must state:

(a) The date and place of the applicant’s birth and his or her sex;

(b) Information about the applicant’s postsecondary education as an anesthesiologist assistant, including, without limitation, postsecondary institutions attended, the length of time in attendance at each institution and whether he or she is a graduate of those institutions;

(c) ~~Whether the applicant has ever applied for a~~ *Each* license ~~for certificate~~ as an anesthesiologist assistant *that the applicant currently holds or has held in the District of Columbia or* in another state ~~and, if so, when and where and the results of his~~ *or territory of the United States* or ~~her application;~~ *in any other country;*

(d) The applicant's work experience for the 5 years immediately preceding the date of his or her application;

(e) Whether the applicant has ever been investigated for misconduct as an anesthesiologist assistant or had a license ~~for certificate~~ as an anesthesiologist assistant revoked, modified, limited or suspended or whether any disciplinary action or proceedings have ever been instituted against the applicant by a licensing body in ~~any jurisdiction;~~ *the District of Columbia or in any state or territory of the United States or in any other country;*

(f) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to:

(1) Any offense or violation of any federal, state or local law, including, without limitation, the laws of any foreign country, which is a misdemeanor, gross misdemeanor, felony or similar offense in a foreign jurisdiction, excluding any minor traffic offense; or

(2) Any violation of the Uniform Code of Military Justice;

(g) Whether the applicant has ever been arrested for, investigated for, charged with, convicted of or pled guilty or nolo contendere to any offense which is related to the manufacture, distribution, prescribing or dispensing of controlled substances;

(h) Whether the applicant has an untreated medical condition that may affect his or her ability to safely practice as an anesthesiologist assistant; and

(i) A public address and the mailing address at which the applicant prefers to receive correspondence from the Board.

2. An applicant must submit to the Board:

(a) Proof of graduation from an anesthesiologist assistant program described in paragraph (a) of subsection 1 of NRS 630.2683;

(b) Proof of passage of a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants or its successor organization;

(c) Proof of certification issued by the National Commission for Certification of Anesthesiologist Assistants or its successor organization; and

(d) Such further evidence and other documents or proof of qualifications as required by the Board.

3. Each application must be signed by the applicant and accompanied by a signed affidavit indicating that:

(a) The applicant is the person named in the proof of graduation from an anesthesiologist assistant program as required by subsection 2;

(b) The proof of graduation from an anesthesiologist assistant program required by subsection 2 was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(c) All the information contained in the application and any accompanying material is complete and correct.

4. The application must be accompanied by the applicable fee.

5. An applicant shall pay the reasonable costs of any examination required for licensure.

6. As used in this section, "license as an anesthesiologist assistant":

(a) Means any professional credential that authorizes a person to practice as an anesthesiologist assistant; and

(b) Includes, without limitation, a training license, provisional license, certificate or permit as an anesthesiologist assistant.

Sec. 15. NAC 630.390 and 630.545 are hereby repealed.

TEXT OF REPEALED SECTIONS

630.390 Disciplinary action: Notice of charges. (NRS 630.130, 630.275) Before the Board takes disciplinary action against a physician assistant, the Board will give to the physician assistant and to his or her supervising physician a written notice specifying the charges made against the physician assistant and stating that the charges will be heard at the time and place indicated in the notice. The notice will be served on the physician assistant and the supervising physician at least 21 business days before the date fixed for the hearing. Service of the notice will be made and any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by law for disciplinary actions against physicians.

630.545 Disciplinary action: Notice of charges. (NRS 630.130, 630.279) Before the Board takes disciplinary action against a practitioner of respiratory care, the Board will give to the practitioner of respiratory care a written notice specifying the charges made against the practitioner of respiratory care and stating that the charges will be heard at the time and place

indicated in the notice. The notice will be served on the practitioner of respiratory care at least 21 business days before the date fixed for the hearing. Service of the notice will be made, and any investigation and subsequent proceedings will be conducted in the same manner as provided by law for disciplinary actions against physicians.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director



Informational Statement LCB File No. R117-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 630.

1. A Clear and Concise Explanation of the Need for the Adopted Regulation.

The proposed regulation is necessary to make updates to existing regulations in order to conform with changes made to NRS Chapter 630 with regard to continuing education requirements for licensees; to streamline and clarify licensing requirements for physician assistants, practitioners of respiratory care, perfusionists, and anesthesiologist assistants; to clarify and update regulations regarding hearing and disciplinary proceedings; to protect the public by adding requirements for physician assistants when providing non-medically necessary procedures for patients utilizing anesthesia or sedation; and to repeal two provisions that are no longer necessary.

2. A Description of How Public Comment Was Solicited, a Summary of Public Response, and an Explanation How Other Interested Persons May Obtain a Copy of the Summary.

The Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft was sent to the following organizations on August 12, 2024:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft and workshop notice were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653; and on the Internet at <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

Nevada State Board of Medical Examiners - Las Vegas, NV

Nevada State Board of Medical Examiners - Reno, NV

Nevada State Board of Medical Examiners Website - <https://medboard.nv.gov/>

State Library, Archives and Public Records - Carson City, NV

No public comment was received at the regulation workshop or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on September 12, 2024, and the public hearing held on November 19, 2024, stakeholders and members of the public were invited to attend, ask questions about the regulation, and provide public comment regarding the regulation. No written public comment was received prior to the regulation workshop, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The Board received a letter from the Nevada Academy of Physician Assistants (NAPA) on November 12, 2024, regarding R117-24 which indicated that NAPA opposed this regulation because NAPA deemed it "overburdensome" and stated that the practice of physician assistants and physicians providing cosmetic surgeries that are not medically necessary may be impacted. Brian Lauf, PA-C, President of NAPA came to the public hearing on November 19, 2024, and indicated that this regulation is "potentially a restriction on PA practice" which NAPA is concerned about.

While the NAPA voiced possible concerns with the regulation, NAPA did not say that the regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. They identified a possible concern regarding the restriction of the practice for physician assistants providing cosmetic surgeries that are not medically necessary. The Board reviewed NAPA's concerns at the regulation's adoption hearing on June 6, 2025, and the Board voted to adopt the regulation as presented because it believed it was necessary in order to protect the public from cosmetic surgeries being done by individuals without the proper training and experience. Of note, no public comment regarding this regulation was received at the regulation adoption hearing on June 6, 2025, and NAPA's President Brian Lauf, PA-C, was present at that meeting and provided other comments on other issues at the meeting.

A summary of the public comment received regarding LCB File No. R117-24 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number Persons Who:

(a) Attended Each Hearing:

September 12, 2024 (Regulation Workshop): 6;
November 19, 2024 (Public Hearing): 5.

(b) Testified at Each Hearing:

September 12, 2024 (Regulation Workshop): 1;
November 19, 2024 (Public Hearing): 2.

(c) Submitted to the Agency Written Comments:

The Board received a letter from the Nevada Academy of Physician Assistants (NAPA) on November 12, 2024, regarding R117-24 which indicated that NAPA opposed this regulation because NAPA deemed it "overburdensome" and stated that the practice of physician assistants and physicians providing cosmetic surgeries that are not medically necessary may be impacted. Brian Lauf, PA-C, President of NAPA came to the public hearing on November 19, 2024, and indicated that this regulation is "potentially a restriction on PA practice" which NAPA is concerned about.

///

4. A List of Names and Contact Information, Including Telephone Number, Business Address, Business Telephone Number, Electronic Mail Address, and Name of Entity or Organization Represented, for Each Person Identified Above In #3, As Provided to The Agency.

Attendees at the September 12, 2024 Public Workshop in Reno:

Elissa Secrist
Telephone: 775-750-4530
Address: 100 Liberty Avenue, Reno, NV
Business Telephone: Not Provided
Email: esecrist@mcdonaldcarano.com
Representing: McDonald Carano

No testimony was provided.

Amber Beck
Telephone: 775-350-8933
Address: 1155 Mill Street, Reno, NV (Renown Regional Hospital)
Business Telephone: 775-982-4170
Email: amber.beck@renown.org
Representing: NSRC

No testimony was provided.

Victoria Supple
Telephone: 516-492-2699
Address: 6121 Lakeside Drive, Suite 208, Reno, NV 89511
Business Telephone: Not Provided
Email: tori@argentumnv.com
Representing: Nevada Academy of Physician Assistants

No testimony was provided.

Nick Spirtos, M.D.
Telephone: 702-326-0585
Address: 700 Shadow Lane, Las Vegas, NV 89105
Business Telephone: 702-693-6870
Email: nmspiritos@wccenter.com
Representing: Self

Asked questions about the regulation.

///

Attendees at the September 12, 2024 Public Workshop in Las Vegas:

Jacqueline Nguyen
Telephone: 702-302-6157
Address: Not Provided
Business Telephone: Not Provided
Email: jacqueline@nvdoctors.org
Representing: Nevada State Medical Association

No testimony was provided.

Sabrina Scherr
Telephone: 702-518-5828
Address: 111 W Proctor Street, Carson City, NV
Business Telephone: Not Provided
Email: ss@belzcase.com
Representing: Belz & Case Government Affairs

No testimony was provided.

Attendees at the November 19, 2024 Public Hearing in Reno:

Brian Lauf
Telephone: 775-560-6021
Address: 18680 Wedge Parkway, Suite 104, Reno, NV 89511
Business Telephone: 775-682-7991
Email: blauf@att.net
Representing: Nevada Academy of Physician Assistants

Asked questions and stated that the Nevada Academy of Physician Assistants was concerned that this regulation may restrict the practice of physician assistants and that the term "direct supervision" could be used by the Board in other contexts in the future.

Victoria Supple
Telephone: 516-492-2699
Address: 6121 Lakeside Drive, Suite 208, Reno, NV 89511
Business Telephone: Not Provided
Email: tori@argentumnv.com
Representing: Argentum Partners

No testimony was provided.

///

Donya Jenkins
Telephone: 775-688-2559
Address: 9600 Gateway Drive, Reno, NV 89521
Business Telephone: 775-688-2559
Email: djnsbme@medboard.nv.gov
Representing: Nevada State Board of Medical Examiners

Asked a question about the regulation.

Attendees at the November 19, 2024 Public Hearing in Las Vegas:

Tomas Hammond
Telephone: 702-488-3880
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Carrara Nevada

No testimony was provided.

Sabrina Scherr
Telephone: 702-518-5828
Address: 111 W Proctor Street, Carson City, NV
Business Telephone: Not Provided
Email: ss@belzcase.com
Representing: Belz & Case Government Affairs

No testimony was provided.

5. A Description of How Comment Was Solicited from Affected Businesses, A Summary of Their Response, and an Explanation How Other Interested Persons May Obtain a Copy of the Summary.

The Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft was sent to the following organizations on August 12, 2024:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce

- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft and workshop notice were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653; and on the Internet at <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

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Nevada State Board of Medical Examiners Website - <https://medboard.nv.gov/>

State Library, Archives and Public Records - Carson City, NV

No public comment was received at the regulation workshop or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on September 12, 2024, and the public hearing held on November 19, 2024, stakeholders and members of the public were invited to attend, ask questions about the regulation, and provide public comment regarding the regulation. No written public comment was received prior to the regulation workshop, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The Board received a letter from the Nevada Academy of Physician Assistants (NAPA) on November 12, 2024, regarding R117-24 which indicated that NAPA opposed this regulation because

NAPA deemed it “overburdensome” and stated that the practice of physician assistants and physicians providing cosmetic surgeries that are not medically necessary may be impacted. Brian Lauf, PA-C, President of NAPA came to the public hearing on November 19, 2024, and indicated that this regulation is “potentially a restriction on PA practice” which NAPA is concerned about.

While the NAPA voiced possible concerns with the regulation, NAPA did not say that the regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. They identified a possible concern regarding the restriction of the practice for physician assistants providing cosmetic surgeries that are not medically necessary. The Board reviewed NAPA’s concerns at the regulation’s adoption hearing on June 6, 2025, and the Board voted to adopt the regulation as presented because it believed it was necessary in order to protect the public from cosmetic surgeries being done by individuals without the proper training and experience. Of note, no public comment regarding this regulation was received at the regulation adoption hearing on June 6, 2025, and NAPA’s President Brian Lauf, PA-C, was present at that meeting and provided other comments on other issues at the meeting.

A summary of the public comment received regarding LCB File No. R117-24 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

6. If the Regulation Was Adopted Without Changing Any Part of the Proposed Regulation, A Summary of the Reasons for Adopting the Regulation Without Change.

This regulation was adopted by the Board at a public meeting held on Friday, June 6, 2025. It was adopted without changes.

7. The Estimated Economic Effect of the Adopted Regulation on the Businesses Which It Is to Regulate and on the Public. These Must Be Stated Separately, And Each Case Must Include: (a) Both Adverse and Beneficial Effects; and (b) Both Immediate and Long-Term Effects.

(a) Both Adverse and Beneficial Effects.

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These regulations update NAC Chapter 630 to comport with changes to NRS 630 made by the Nevada Legislature, update NAC Chapter 630 to clarify and streamline licensing processes, and to codify in regulation a requirement that the Board already believes is part of the standard of care when providing cosmetic surgeries that are not medically necessary.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have positive immediate and long-term effects because it will clarify and update the Board’s regulations with regard to licensing, outdated

provisions, and incorporated continuing medical education requirements from statute into regulation, and it will allow the Board to better protect the public.

8. The Estimated Cost to the Agency for Enforcement of the Adopted Regulation.

There is no estimated cost to the Board for enforcing the adopted regulations.

9. A Description of Any Regulations of Other State or Government Agencies Which the Proposed Regulation Overlaps or Duplicates and a Statement Explaining Why the Duplication or Overlapping Is Necessary. If the Regulation Overlaps or Duplicates a Federal Regulation, the Name of the Regulating Federal Agency.

To the Board's knowledge, the proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies or any federal regulations.

10. If the Regulation Includes Provisions That Are More Stringent Than a Federal Regulation Which Regulates the Same Activity, a Summary of Such Provisions.

To the Board's knowledge, the proposed regulations do not regulate the same activity addressed in a federal regulation.

11. If the Regulation Provides a New Fee or Increases an Existing Fee, the Total Annual Amount the Agency Expects to Collect and the Manner in Which the Money Will Be Used.

This regulation does not provide a new fee or increase an existing fee.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.
Board President

Edward O. Cousineau, J.D.
Executive Director



Small Business Impact Statement for R117-24

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

The proposed regulation is necessary to make updates to existing regulations in order to conform with changes made to NRS Chapter 630 with regard to continuing education requirements for licensees; to streamline and clarify licensing requirements for physician assistants, practitioners of respiratory care, perfusionists, and anesthesiologist assistants; to clarify and update regulations regarding hearing and disciplinary proceedings; to protect the public by adding requirements for physician assistants when providing non-medically necessary procedures for patients utilizing anesthesia or sedation; and to repeal two provisions that are no longer necessary.

2. Description of Solicitation:

The Board solicited comment from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on August 12, 2024:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
- Churchill Entrepreneur Development Association
- City of Winnemucca
- Clark County Medical Society
- Ely Rural Nevada Development Corporation
- Great Basin College
- Las Vegas Asian Chamber of Commerce
- Las Vegas Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of the Board's regulation draft and workshop notice were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

Copies of the Board's Notice of Intent to Act Upon a Regulation, the proposed regulation draft, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at <https://www.leg.state.nv.us/App/Notice/A/>.

In the Notice of Intent to Act Upon a Regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board located at 9600 Gateway Drive, Reno, Nevada and 325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada; in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653; and on the Internet at <https://www.leg.state.nv.us/register/>, as well as posted at the following locations:

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Nevada State Board of Medical Examiners - Reno, NV

Nevada State Board of Medical Examiners Website - <https://medboard.nv.gov/>

State Library, Archives and Public Records - Carson City, NV

No public comment was received at the regulation workshop or public hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on September 12, 2024, and the public hearing held on November 19, 2024, stakeholders and members of the public were invited to attend, ask questions about the regulation, and provide public comment regarding the regulation. No written public comment was received prior to the regulation workshop, public hearing, or adoption hearing indicating that the Board's proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The Board received a letter from the Nevada Academy of Physician Assistants (NAPA) on November 12, 2024, regarding R117-24 which indicated that NAPA opposed this regulation because NAPA deemed it "overburdensome" and stated that the practice of physician assistants and physicians providing cosmetic surgeries that are not medically necessary may be impacted. Brian Lauf, PA-C, President of NAPA came to the public hearing on November 19, 2024, and indicated that this regulation is "potentially a restriction on PA practice" which NAPA is concerned about.

While the NAPA voiced possible concerns with the regulation, NAPA did not say that the regulation would have a direct and significant economic burden upon a small business or directly restrict

the formation, operation, or expansion of a small business. They identified a possible concern regarding the restriction of the practice for physician assistants providing cosmetic surgeries that are not medically necessary. The Board reviewed NAPA's concerns at the regulation's adoption hearing on June 6, 2025, and the Board voted to adopt the regulation as presented because it believed it was necessary in order to protect the public from cosmetic surgeries being done by individuals without the proper training and experience. Of note, no public comment regarding this regulation was received at the regulation adoption hearing on June 6, 2025, and NAPA's President Brian Lauf, PA-C, was present at that meeting and provided other comments on other issues at the meeting.

3. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon a Small Business or Directly Restrict the Formation, Operation, or Expansion of a Small Business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These regulations update NAC Chapter 630 to comport with changes to NRS 630 made by the Nevada Legislature, update NAC Chapter 630 to clarify and streamline licensing processes, and to codify in regulation a requirement that the Board already believes is part of the standard of care when providing cosmetic surgeries that are not medically necessary.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and reviewing the public comments received. The Board solicited comment from affected businesses and stakeholders at its regulation workshop, held on September 12, 2024. The Board further solicited comment from affected businesses and stakeholders at its public hearing, held on November 19, 2024, and its adoption hearing held on June 6, 2025. Through the process, the Board has shared a copy of the proposed regulation draft with multiple interested parties and stakeholders. To date, the Board has not received any comment from anyone indicating that the regulation imposes a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

I, Edward O. Cousineau, J.D., Executive Director of the Nevada State Board of Medical Examiners, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3)).

Dated: June 20, 2025

Signature: _____

EDWARD O. COUSINEAU, J.D.

Executive Director

Nevada State Board of Medical Examiners

ADOPTED REGULATION OF THE
DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE
LCB File No. R186-24

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

AUTHORITY: § 1, NRS 586.237 and 586.270.

A REGULATION relating to pesticides; increasing the annual registration fee for each pesticide registered with the Office of the Director of the State Department of Agriculture and the amount of the annual registration fee deposited in a separate account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each brand of pesticide which is distributed, sold or offered for sale within this State, or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, to be registered with the Office of the Director of the State Department of Agriculture. (NRS 586.250) Existing law requires: (1) a person registering any brand of pesticide with the Office of the Director to pay an annual registration fee established by regulation of the Director; and (2) the Director to deposit an amount established by regulation of the Director of each annual registration fee in a separate account to be used for certain purposes. (NRS 586.237, 586.270) This regulation increases the annual registration fee for each pesticide registered from \$125 to \$281 and increases the amount of each registration fee collected which the Director is required to deposit in a separate account from \$40 to \$80.

Section 1. NAC 586.011 is hereby amended to read as follows:

586.011 1. Each registrant must pay an annual registration fee of ~~\$125~~ *\$281* for each pesticide registered.

2. The Director will deposit, in a separate account, ~~+\$40~~ **\$80** of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:

- (a) Monitor and dispose of pesticides;
- (b) Protect groundwater and surface water from contamination by pesticides; and
- (c) Eradicate and control noxious weeds.



Las Vegas Office:
2300 East St. Louis Ave.
Las Vegas, NV 89104-4211
(702) 668-4590
Fax (702) 668-4567

Elko Office:
4780 East Idaho Street
Elko, NV 89801-4672
(775) 753-1360
Fax (775) 738-2639

DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

INFORMATIONAL

STATEMENT LCB File No.

R186-24P

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 586.

a. A clear and concise explanation of the need for the adopted regulation.

The adoption of these regulations pertains to the fee amount charged for the registration of pesticides in the state of Nevada, and an increase in the amount the Director will deposit in a separate amount to be used to: monitor and dispose of pesticides, protect groundwater and surface water from contamination by pesticides; and eradicate and control noxious weeds. The NDA is proposing an increase of its Pesticide Registration fee from the current rate of \$125, which was adopted in 2013 per LCB File R070-13A and established with industry in 2014, to \$281. The NDA has conducted an evaluation of the sustainability of its Pesticide Registration fee through an assessment of merging budget accounts (4545) and (4552), the introduction of additional funding available through various grants, and the long-term equipment replacement and maintenance service agreement costs for the Chemistry Laboratory.

b. A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of NAC 586 as well as any persons who had specifically requested such notice.

These documents were also posted and made available at the following locations:

- Nevada Department of Agriculture, 405 S. 21st St., Sparks, NV 89431
- Nevada Department of Agriculture, 2300 E. Saint Louis Ave., Las Vegas, NV 89104
- Nevada Department of Agriculture, 4780 E. Idaho St., Elko, NV 89801
- Nevada State Library & Archives
- Nevada Department of Agriculture website at agri.nv.gov

Las Vegas Office:
2300 E. St. Louis Ave.
Las Vegas, NV 89104-4211
(702) 668-4590
Fax (702) 668-4567

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

Elko Office:
4780 E. Idaho Street
Elko, NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

- Nevada Public Notice website at <https://notice.nv.gov/>
- Nevada Legislature Administrative Regulation
Notices at <https://www.leg.state.nv.us/App/Notice/A/>

A workshop was held on December 12, 2024. Thereafter, on or about January 29, 2025, the Administrator of the Division of Plant Health and Compliance issued a Notice of Intent to Act Upon a Temporary Regulation which incorporated in the proposed amendments the suggestions of the parties attending the workshop and through public comment as well as any comments from the Legislative Counsel Bureau. The hearing was held on March 3, 2025 to adopt the temporary regulation. The Administrator of the Division of Plant Health and Compliance issued a Notice of Hearing for the Adoption of Regulations on June 18, 2025. The hearing was held on July 22, 2025, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Department of Agriculture, Attn: Dyan Reece, 405 S. 21st St., Sparks, NV 89431, (775) 353-3670, or d.reece@agri.nv.gov.

c. The number of persons who:

- 1. Attended each hearing;**
Hearing on March 3, 2025: 1 attendee
Hearing on July 22, 2025: 3 attendees
- 2. Testified at each hearing; and**
0 attendees testified
- 3. Submitted to the agency written statements.**
1 written statement received at the December 12, 2024 workshop, none from the hearing.

d. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:

- 1. Name;**
David Ruf
- 2. Telephone number;**
Not provided
- 3. Business address;**
2450 S. Curry St,
Carson City, NV
89703
- 4. Business telephone number;**
(775) 882-8600
- 5. Electronic mail address; and**
Not provided
- 6. Name of entity or organization represented.**
Greenhouse Garden Center & Gift Shop

e. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the

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Fax (702) 668-4567

405 South 21st Street
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Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

Elko Office:
4780 E. Idaho Street
Elko, NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

summary.

The NDA prepared and distributed a Small Business Impact Survey to industry members and businesses. A statistical analysis of the survey results was compiled and considered upon the closing of the survey. The survey also included open-ended questions, and the comments received were also considered. The NDA launched the survey on September 4, 2024 and closed it on September 22, 2024. The survey was posted to NDA's website and social media accounts. Interested parties may also obtain a copy of the summary by contacting the Division of Plant Health and Compliance at (775) 353-3670 or d.reece@agri.nv.gov.

Comments were solicited from the public during both the workshop and hearing, as well as allowed for written comments submitted up to 24 hours after.

f. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

NDA provided a response to the public comment received:

- Cost in other states:
 - The average registration fee of the states referenced in public comment is \$407
 - Our proposed fee is \$126 lower
 - Though our proposed fee is not based on the average of surrounding states, we would be inline other western states.
- Sliding scale registration fee:
 - No other states have sliding scales for their pesticide registration fee
 - Although we could ask manufacturers to self-report sale volume, we have no way to audit for compliance.
 - We do not currently track volume of sales, and do not know the proportion of products that would fall into the three proposed categories. We believe that a significant portion of registrants would fall into the \$400/over 250 gallons of sales. This would significantly impact that segment and bump the proposed fee up \$265 instead of the proposed increase of \$156.
- Organic 50% reduction in registration:
 - We do not currently track organic verse conventional pesticides when applicants register.
 - We would have to adjust our online registration application to collect this information, and would add another layer of review to ensure that applicants are correctly identifying their product
 - Organic pesticides still can cause environmental damage and are registered for compliance

g. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

○ **Adverse economic effect on regulated businesses**

The proposed temporary regulation change will increase the registration fee for those businesses that register pesticides in Nevada. This increase in the registration fee could affect business by increasing cost and reduce profitability. Smaller businesses will be

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disproportionately affected as they would be required to distribute the fee across a smaller volume of products. Only 1.3% of registrants in 2024 were from Nevada, while the vast majority are located outside the state.

- **Beneficial economic effect on regulated businesses**

It is not anticipated that the proposed temporary regulation will have any beneficial economic effect on the regulated businesses.

- **Immediate economic effect on regulated business**

The immediate economic effect on regulated businesses will be the increase in the registration fee paid. There has not been an increase in fees since 2013. The fee change will be implemented for the 2025 registration period, and not in a phased approach.

- **Long-term economic effect on regulated business**

The long-term economic effect will be minimal as no further fee increases are proposed at this time.

- **Adverse economic effect on the public**

There is potential for a marginal increase in the cost of pesticide products sold in Nevada that may affect the public that purchase those products.

- **Beneficial economic effect on the public**

It is not anticipated that the proposed temporary regulation will have any beneficial economic effect to the public.

- **Immediate economic effect on the public**

The potential economic effect on the public would be the potential for a marginal increase in cost of pesticides in Nevada.

- **Long-term economic effect on the public**

The long-term economic effect will be minimal as no further fee increases are proposed at this time.

- h. The estimated cost to the agency for enforcement of the proposed regulation.**

The agency does not have costs associated with the enforcement of the proposed fee change. Notice of the changes will be sent electronically to those companies that have previously registered pesticides with the department. Compliance will be conducted through regular marketplace inspections.

- i. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulations do not duplicate federal, state or local standards, that regulate the same activity.

- j. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulations are not more stringent than federal standards that regulate the same activity.

- k. If the regulation provides a new fee or increases an existing fee, the total annual amount the**

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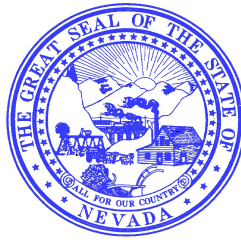
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agency expects to collect and the manner in which the money will be used.

This proposed regulation change does increase an existing fee. The fee had not been updated since 2013. These regulation changes are necessary to aid in achieving long-term solvency in budget account (4545). The NDA has conducted an evaluation of its Pesticide Registration fee through an assessment of merging budget accounts (4545) and (4552), and the addition of additional funding available through various grants, projections of rising personnel costs, and the long-term equipment replacement and maintenance

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SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

LCB File No. R186-24

October 2, 2024

PROPOSED AMENDMENTS TO NAC CHAPTER 586

- 1) **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Existing law requires each brand of pesticide which is distributed, sold or offered for sale within this State, or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, to be registered with the Office of the Director of the State Department of Agriculture. Below are the results of a survey that was posted from September 4, 2024 through September 22, 2024 regarding proposed revisions to NAC 586.011.

- Of the 26 survey respondents, 5 are located outside Nevada (Colorado, Illinois, Idaho, and Wisconsin).
 - Regarding the counties in Nevada: 4 respondents were from Washoe County, 6 were from Clark County, 2 were from Churchill County, 2 from Humboldt County, 1 from Lyon County, 1 from Carson City, 1 from Elko County, 1 from Pershing, 1 from Esmeralda County, and 2 from Nye County.
- All 26 survey respondents replied the question asking if they fall under the definition of a small business as defined by NRS 233B.0382:
 - 21 indicated they fall under the definition of a small business, 4 stated they did not.
 - 1 respondent stated they were unsure.
 - Question regarding the number of employees their business has:
 - 16 respondents stated they had 1-15 employees.
 - 1 respondent stated they have 16-30 employees.
 - 1 respondent stated they have 31-45 employees.
 - 2 respondents stated they have 76-100 employees.
 - 4 respondents stated they have 151+ employees.
- All 26 survey respondents replied the question asking if changes to NAC 586 would impact their ability to do business:
 - 3 unsure, 12 yes and 11 no.

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- 0 respondents skipped the question.
- The following is a breakdown of the 20 survey respondents who answered the question on how the changes to NAC 555 would impact their ability to do business:
 - 4 answered there would be no impact and 1 stated there would be “very little” impact.
 - 11 stated that changes would raise/increase costs and/or fees.
 - Remaining responses:
 - “Nutrien Ag Solutions.”
 - “Negatively.”
 - “It doubles the fees for my amount of horses.”
 - “Push companies out.”

A complete summary can be obtained by contacting the NDA at (775) 353-3670 or d.reece@agri.nv.gov.

2) The manner in which the analyses was conducted.

The NDA launched the survey on September 4, 2024 and closed it on September 22, 2024. The survey was posted to NDA’s website and social media accounts. In addition, it was distributed to an e-mail list comprised of 1,134 recipients (including pest control businesses, pesticide dealerships and registrants within the State of Nevada).

3) The estimated indirect and direct economic effect of the proposed regulation on the small businesses it is to regulate:

- Level of negative impact the proposed changes would have on their business (all 26 respondents responded):
 - No impact: 4 respondents.
 - Insignificant impact: 5 respondents.
 - Minor impact: 5 respondents.
 - Moderate impact: 5 respondents.
 - Major impact: 6 respondents.
 - Severe impact: 1 respondent.
- One survey question asked the participant to check one *or* both parts, of the proposed revision, that would have the most financial impact on their business:
 - Part 1. Each registrant must pay an annual registration fee of \$281 for each pesticide registered:
 - Part 2. The Director will deposit, in a separate account, \$80 of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:
 - (a) Monitor and dispose of pesticides;
 - (b) Protect groundwater and surface water from contamination by pesticides; and
 - (c) Eradicate and control noxious weeds.

Results:

6 respondents checked both parts.

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*19 respondents checked only the first part (\$281 for each pesticide registered).
9 respondents checked only the second part (depositing \$80 of each registration fee into an account).*

- 16 of the 26 respondents replied the question asking how the proposed revisions can be adjusted to mitigate their level of negative financial impact. 7 respondents stated that the NDA should either remove them, lower the fee increase, or keep it the same.
 - Remaining comments:
 - *"Have the state pay for the costs.*
 - *"Because of the size of our company, the registration/renewal price increase would be minor to our company, but they would be quite significant to smaller businesses. I would suggest implementing the fee increase over a time period as opposed to an "all at once" fee increase."*
 - *"Less than a 100% increase in fees for an "each" line item."*
 - *"Make the bureaucrats reduce their costs internally. Pay cuts and head count reductions."*
 - *"Cut spending in Department or costs so fee not raised."*
 - *"Find other ways to reduce cost instead of increasing revenue on the backs of small businesses."*
 - *"Smaller increase would be beneficial, therefore, not adding the cost to current clients." prices. and giving them a lower increase possibly not losing them."*
 - *"Government stay out."*
 - *"Shift greater funding to noxious weed control."*
- 9 of the 26 respondents provided feedback on what they would like us to consider in relation to the proposed changes to NAC 586.011. 3 respondents stated that they could not afford additional fees and that the increase seems excessive.
 - Remaining Comments:
 - *"We not only pay for the registration of our products, but we also pay to register our customer's products."*
 - *"100% increase is insane. If it has been neglected to increase pricing at an appropriate increment, the penalty should not be placed upon the small business to correct the issue caused by poor management by the State."*
 - *"Raise will be pasted on to my business."*
 - *"Please take into account the consumers who depend on pest control to keep their homes and areas they frequent at a pest level they can tolerate. With these increases, some of those people will no longer be able to afford it, causing a chain of unfortunate events to unfold."*
 - *"I think the fees should cover the cost of any potential mitigation and clean-up, spills, etc. And/or the cost of maintaining records of the persons responsible so if there is a spill or misuse- those responsible are held accountable."*
 - *"Counties are not providing support for treatment of noxious weeds due to lack of funding."*

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- 4 respondents stated the cost of the proposed changes would be \$0, 2 reported their annual impact to be between \$1-\$99, 8 respondents reported their annual impact to be \$100-\$1,000, 9 respondents reported their annual impact to be \$1,001-\$10,000, and 3 respondents reported that the annual impact would exceed \$10,000.
- 22 survey respondents answered the question asking if they would need to make operational changes to their business because of the financial impact of proposed change:
 - Yes: 11.
 - No: 9
 - Remaining Responses:
 - *“No, I work for the State of Nevada DPBH-EHS and then have a personal garden. I do not operate as a pesticide applicator/business.”*
 - *“Possibly.”*

The NDA estimates minimal direct impact on small businesses in Nevada due to the proposed regulation. Positive indirect impacts are estimated to result from continued pesticide testing, inspections, and monitoring ensuring the quality and safety of pesticide products and services throughout the state, maintaining and increasing consumer confidence. Further positive indirect impacts are estimated to be realized through improved noxious weed monitoring and control efforts enabled by the fee, improving Nevada ecosystems and economic efficiency across various industries.

4) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The department used an estimate of equipment cost and maintenance contracts to calculate the fee increase. Any reduction in the proposed fee will mean when equipment may fail or when the department is unable to service equipment it will likely mean reduced services provided by our Chemistry and Pest Control team. The department wants to ensure customer service as well as have the equipment to test pesticides and fertilizers for compliance to ensure public health and safety.

5) The estimated cost to the agency for enforcement of the proposed regulation.

These revisions will add minor administrative work such as communication with industry to notify them of the new provisions, and directing individuals to the new requirements. No other estimated cost to the agency is anticipated.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Existing law requires: (1) a person registering any brand of pesticide with the Office of the Director to pay an annual registration fee established by regulation of the Director; and (2) the Director to deposit an amount established by regulation of the Director of each annual registration fee in a separate account to be used for

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certain purposes. (NRS 586.237, 586.270) This regulation increases the annual registration fee for each pesticide registered from \$125 to \$281 and increases the amount of each registration fee collected which the Director is required to deposit in a separate account from \$40 to \$80.

The money will be used to supplement personnel costs because of salary increases (from budget bill AB522) and reduced grant fee revenue.

- 7) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A

- 8) The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

Dated Pesticide Registration fee rates and personnel and grant fee revenue spread across multiple budget accounts, (4545) and (4552), are the two main challenges affecting long term-term solvency in budget account (4545). To aid in achieving long-term solvency in budget account (4545) the Nevada Department of Agriculture (NDA) is proposing an increase of its Pesticide Registration fee from the current rate of \$125, which was adopted in 2013 per LCB File R070-13A and established with industry in 2014, to \$281 in an effort to help stabilize revenues in budget account (4545). The NDA has conducted an evaluation of its Pesticide Registration fee through an assessment of merging budget accounts (4545) and (4552), and the addition of additional funding available through various grants, overall averages of revenue and expenditures, and long-term equipment replacement and maintenance service agreement costs, to arrive at the proposed \$281 Pesticide Registration fee.

Impacts on Nevada small businesses are expected to be minimal as pesticide registration fees are paid by the pesticide registrant (manufacturer or distributor) once per year for each brand of pesticide sold within the state. Impacts on small businesses who purchase these pesticides are similarly estimated to be minimal, as pest control businesses primarily use products which are produced and sold in large volumes, enabling the registration fee to be spread across all sales of each brand of pesticide. The NDA did not receive comments from impacted pesticide registrants during workshop, comment periods, or hearing.

I certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses, and that the information contained in this statement above was prepared properly and is accurate. (NRS 233B.0608(3))


J.J. Goicoechea (Jul 30, 2025 13:42:25 PDT)

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Nevada Department of Agriculture

