Regulations Submitted
Pursuant to NRS 233B.067

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

FEBRUARY 26, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2023 REGULATIONS		
R001-23	**571**	**STATE QUARANTINE OFFICER** A REGULATION revising provisions relating to disease, vaccinations, testing and veterinary inspections of livestock **CONTACT Douglas Farris (775) 353-3708** **d.farris@agri.nv.gov**
R137-23	**391A**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to professional development standards **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
2024 REGULATIONS		
R050-24	**389**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions relating to courses **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R089-24	**449**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions of SB 146 (2023) and SB 298 (2023) relating to health care and health care facilities **CONTACT Kelli Knutzon (775) 684-5850** **kknutzon@health.nv.gov**
R094-24	**389/394**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to school accreditation **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R110-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions for the evaluation of language and literacy skills **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**

R111-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to pupils with a visual impairment **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R123-24	**445A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION establishing and revising provisions relating to financial assistance for water projects **CONTACT Sheryl Fontaine (775) 687-9374** **sfontaine@ndep.nv.gov**
R134-24	**686B**	**COMMISSIONER OF INSURANCE** A REGULATION establishing provisions relating to reports required of providers of dental insurance **CONTACT Rhonda Kelly (702) 486-4060** **rlkelly@doi.nv.gov**
R184-24	**451**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions governing nontransplant anatomical donations organizations that procure a human body or part in this State **CONTACT Kelli Knutzon (775) 684-5850** **kknutzon@health.nv.gov**
R195-24	**319/489**	**ADMINISTRATOR OF THE HOUSING DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to housing **CONTACT Colleen Platt (775) 848-2810** **cplatt@plattlawgroupreno.com**
R196-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to assessments of reading proficiency **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R197-24	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to treatment with narcotics **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R203-24	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to licensure requirements **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**

R204-24	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to schedule I drugs **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R205-24	**477**	**STATE FIRE MARSHAL** A REGULATION revising various provisions relating to fire protection **CONTACT Connie Etchison (775) 684-7525** **cetchison@dps.state.nv.us**
2025 REGULATIONS		
R001-25	**641**	**BOARD OF PSYCHOLOGICAL EXAMINERS** A REGULATION revising provisions relating to continuing education **CONTACT Laura Arnold (702) 276-0926** **lma.nbope@nvbope.net**
R004-25	**454**	**STATE BOARD OF PHARMACY** A REGULATION establishing provisions relating to advanced emergency medical technicians and paramedics **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R010-25	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to classifications **CONTACT Michelle Garton (775) 220-8122** **mgarton@admin.nv.gov**
R023-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to assessments of pupils who are gifted and talented **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R030-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION revising provisions relating to residential remodeling **CONTACT Kenya McCampbell (702) 486-1111** **kmccampbell@nscb.state.nv.us**
R031-25	**281/293**	**SECRETARY OF STATE** A REGULATION revising provisions relating to complaints **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**

R041-25	**641**	**BOARD OF PSYCHOLOGICAL EXAMINERS** A REGULATION establishing provisions of SB 251 (2025) and AB 196 (2025) relating to psychology **CONTACT Laura Arnold (702) 276-0926** **lma.nbope@nvbope.net**
R042-25	**293**	**SECRETARY OF STATE** A REGULATION establishing provisions relating to maintenance of the statewide voter registration list **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R051-25	**519A**	**COMMISSION ON MINERAL RESOURCES** A REGULATION revising provisions relating to the bond pool **CONTACT Rob Ghiglieri (775) 684-7048** **rghiglieri@minerals.nv.gov**
R054-25	**628**	**NEVADA STATE BOARD OF ACCOUNTANCY** A REGULATION revising provisions relating to examinations and licensure **CONTACT Karen Peterson (775) 687-0202** **kpeterson@allisonmackenzie.com**
R055-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION establishing provisions of SB 189 (2025) relating to genetic counselors **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R056-25	**636**	**NEVADA STATE BOARD OF OPTOMETRY** A REGULATION implementing provisions of AB 183 (2025) relating to optometry **CONTACT Adam Schneider (775) 883-8367** **director@nvoptometry.org**
R057-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to Board of Control elections **CONTACT Paul Anderson (775) 827-2000** **panderson@mcllawfirm.com**
R058-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to tennis and flag football **CONTACT Paul Anderson (775) 827-2000** **panderson@mcllawfirm.com**

R059-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to golf tournaments **CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com**
R060-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to alternates **CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com**
R062-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising various provisions relating to lacrosse **CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com**
R087-25	**632**	**STATE BOARD OF NURSING** A REGULATION establishing provisions of AB 319 (2025) relating to delegating practitioners **CONTACT Frederick Olmstead (775) 687-7728 folmstead@nsbn.state.nv.us**
R088-25	**293/293C**	**SECRETARY OF STATE** A REGULATION establishing provisions relating to postmarks **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R089-25	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to the waiver or reduction of civil penalties **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R090-25	**293/293B/293C/294A**	**SECRETARY OF STATE** A REGULATION revising various provisions relating to elections **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R095-25	**294A**	**SECRETARY OF STATE** A REGULATION establishing provisions of AB 3 (36th Special Session) relating to campaign expenses for personal security **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**

R103-25	**293**	**SECRETARY OF STATE** A REGULATION establishing provisions governing written challenges **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
2026 REGULATIONS		
R001-26	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to required notifications of legislator resignations **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R002-26	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to bank interest **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R003-26	**293**	**SECRETARY OF STATE** A REGULATION revising provisions relating to post election certification audits **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**

2023

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ADOPTED REGULATION OF THE

STATE QUARANTINE OFFICER

LCB File No. R001-23

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

AUTHORITY: §§ 1, 2, 4, 6-12, 14-19 and 22, NRS 571.120 and 571.210; §§ 3 and 5, NRS 571.120, 571.170 and 571.210; § 13, NRS 562.250, 571.120 and 571.210; §§ 20, 21 and 23, NRS 571.120; § 24, NRS 571.120, 571.130 and 571.170; §§ 25, 27-36, 39, 40, 42 and 47, NRS 571.120 and 571.150; §§ 26, 41 and 44-46, NRS 561.295, 571.120, 571.150 and 571.170; §§ 37 and 38, NRS 571.120, 571.150 and 571.210; § 43, NRS 561.295, 571.120, 571.150, 571.160 and 571.170; § 48, NRS 571.120, 571.150, 571.170, 571.250; § 49, NRS 561.295, 571.120, 571.150, 571.170 and 571.210.

A REGULATION relating to animals; defining certain terms relating to the entry of certain animals and livestock into this State; revising provisions relating to the entry of certain animals and livestock into the State; providing that an owner, lessee or manager of animals or livestock may be denied brand inspection or other services under certain circumstances; revising requirements governing the testing of trichomoniasis for certain livestock; revising certain provisions relating to health certificates for certain animals and livestock; revising provisions relating to the vaccination of certain animals; revising provisions governing the testing of animals and livestock for certain diseases; repealing certain provisions relating to diseased animals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Quarantine Officer to adopt regulations governing the entry of animals into this State and prohibits, with certain exceptions, a person from bringing any animal into this State unless he or she has obtained a health certificate showing the animal is free from contagious, infectious or parasitic diseases or exposure thereto. (NRS 571.210) Existing regulations: (1) require that certain animals and livestock brought into this State be accompanied by a health certificate and, with certain exceptions, an entry permit; and (2) establish various other entry requirements. (NAC 571.035-571.100) **Section 3** of this regulation provides that any animal or livestock that enters this State without a valid health certificate and entry permit, if required, will be held in quarantine at the expense of the owner. **Section 4** of this regulation authorizes the State Department of Agriculture to temporarily waive the requirement for an animal or livestock to be accompanied by an entry permit under certain emergency circumstances.

Section 5 of this regulation authorizes the Administrator of the Division of Animal Industry of the Department or the Director of the Department to deny any brand inspection or

other services offered by the Department to any owner, lessee or manager of animals or livestock if: (1) the animals or livestock are the subject of an epidemiological investigation, hold order or disease quarantine; or (2) the owner, lessee or manager does not comply with certain annual trichomoniasis testing requirements.

Section 10 of this regulation revises the definition of "health certificate." **Section 11** of this regulation revises the address and other contact information where certain information relating to the entry of foreign livestock must be sent.

Section 12 of this regulation requires that any test used for equine infectious anemia which is required for the entry of any horse, mule or ass into this State be approved by the Department.

Section 13 of this regulation requires that the health certificate for sheep entering this State include a statement by the issuing veterinarian that: (1) is approved by the Department; (2) is consistent with the requirements of the National Scrapie Eradication Program; and (3) indicates that the sheep is not showing signs of clinical illness and did not originate from an infected, source, exposed or noncompliant flock.

Section 14 of this regulation revises the requirements for the entry of cattle and bison into this State to require: (1) female cattle and bison that are 12 months of age or older to have both an official tattoo and an associated official identification tag or official electronic identification tag as evidence of having received the brucellosis calfhood vaccination; (2) certain cattle and bison to react negatively to a test for brucellosis within 30 days before entry into this State; (3) certain cattle and bison to react negatively to a test for tuberculosis within 30 days before entry into this State; and (4) all sexually intact cattle 12 months of age or older who enter the State for events, rodeos, shows or exhibitions to react negatively to a test for tuberculosis within 12 months before entering the State.

Existing regulations prohibit the entry of sexually intact cattle originating from Mexico except under conditions established by the Administrator. (NAC 571.040) **Section 14**: (1) sets forth certain entry requirements for cattle originating in Mexico; (2) requires cattle originating in Mexico that are used in rodeos, roping, sporting or exhibitions or other similarly timed events to be tested for tuberculosis on an annual basis; and (3) requires the owner, manager, agent or other representative of such cattle to maintain certain testing records for the cattle.

Existing law prohibits a person or the person's agent or employee from bringing into this State certain animals that are susceptible to chronic wasting disease, including elk, mule deer, white-tailed deer or moose. (NRS 571.210, as amended by section 23 of Assembly Bill No. 59, chapter 222, Statutes of Nevada 2025, at page 1366) Existing regulations prohibit a person from shipping, transporting or otherwise moving any North American elk unless it reacts negatively to a test for brucellosis and any species of the family Cervidae that is domesticated unless it reacts negatively to tests for tuberculosis and brucellosis within the 30 days before entry into this State. (NAC 571.065) **Section 15** of this regulation removes these requirements as such animals are prohibited from entering the State.

Sections 16 and 24 of this regulation update the name and contact information for the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Existing regulations require that dogs and cats that enter this State be vaccinated against rabies pursuant to certain national guidelines on rabies control which are adopted by reference. (NAC 571.080) **Section 17** of this regulation updates the name of the publication and the information for where the publication may be obtained.

Existing regulations require a person transporting livestock to carry health certificates for the livestock that have been issued within the previous 30 days, except that livestock transported only within this State are not required to have such a health certificate. (NAC 571.095) **Section 18** of this regulation provides that: (1) the health certificate must have been issued within the previous 30 days or as directed by the Department; and (2) livestock transported only within this State may require a health certificate if directed by the Department in a hold order or disease quarantine.

Existing regulations prohibit the shipment, transportation or movement of livestock into this State for sale, shows, fairs or other exhibitions unless the person complies with the applicable requirements for entry. (NAC 571.105) **Section 19** of this regulation provides that the entry of animals or livestock for a public livestock auction holding a federally approved agreement is also subject to any requirements set forth in the agreement and approved by the Department. **Section 2** of this regulation defines the term "public livestock auction." **Section 9** of this regulation makes conforming changes to indicate the proper placement of **section 2** in the Nevada Administrative Code.

Existing law requires the Department to do all things necessary for the control and eradication of infectious, contagious or parasitic diseases of animals. (NRS 571.120) Existing regulations prohibit the sale, use or distribution of: (1) any biological product used as a diagnostic agent or in the prevention or treatment of livestock without a permit or license granted by the Department, the United States Department of Agriculture or its Agricultural Research Service, or any other agency authorized by the Department; and (2) any vaccine, bacteriological or biological product which is a hazard to the livestock industry without the written permission of the Administrator. (NAC 571.300, 571.310) **Section 20** of this regulation removes the Agricultural Research Service from this list. **Section 21** of this regulation requires the written permission of the Administrator for any vaccine, bacteriological or biological product that could present a hazard to animals or livestock or the livestock industry, as determined by the Department.

Existing regulations require, with certain exceptions, female cattle and bison to be vaccinated for brucellosis between 4 months and 12 months of age before entry into this State and before a change of ownership may occur. (NAC 571.040, 571.355) **Sections 14 and 22** of this regulation require that, with certain exceptions, female cattle and bison in this State and entering this State must receive an official brucellosis calfhood vaccination between 4 months and 12 months of age.

Section 23 of this regulation requires that samples to test for equine infectious anemia be collected by a licensed veterinarian.

Existing regulations require test-eligible bulls to test negative for trichomonosis: (1) before the bulls may be shipped, transported or moved into this State within 60 days before entering the State; (2) if such bulls are commuter bulls, on an annual basis and before the bull is exposed to female cattle, with certain exceptions; and (3) before the sale or lease for reproductive purposes within 60 days before the sale or lease. (NAC 571.642, 571.644, 571.646) **Section 35** of this regulation changes the spelling of "trichomonosis" to "trichomoniasis." **Sections 26, 29, 30, 32, 34 and 37-46** of this regulation make related conforming changes. **Sections 26-34** revise certain other definitions relating to trichomoniasis.

Section 7 of this regulation establishes the annual testing season for trichomoniasis.

Section 8 of this regulation: (1) requires, with certain exceptions, the owner or lessee of a test-eligible bull that tests positive for trichomoniasis and the owner or lessee of an infected or

exposed herd to submit all bulls owned or leased by the owner or lessee to annual testing for trichomoniasis until the bulls test negative for 5 consecutive years; and (2) exempts from the trichomoniasis testing requirements test-eligible bulls that are consigned directly to a qualified feedlot for finish feeding for slaughter or are directly entering the slaughter channel. **Section 6** of this regulation defines the term "exposed herd." **Section 25** of this regulation makes a conforming change to indicate the proper placement of **section 6** in the Nevada Administrative Code. **Section 48** of this regulation makes a conforming change to indicate that a violation of **sections 6-8** is subject to certain penalties.

Section 36 of this regulation requires a veterinarian or veterinary technician who wishes to collect samples for trichomoniasis testing to complete a certification program approved by the Department and register with the Department. **Section 36** also requires a veterinary technician who collects such samples to do so under the direct or indirect supervision of an accredited veterinarian.

Existing regulations prohibit a person from shipping, transporting or otherwise moving a test-eligible bull from a herd that tested positive for trichomoniasis during the previous 12 months into this State unless the bull is accompanied by a health certificate that verifies the bull tested negative for trichomoniasis in each of its three most recent tests. (NAC 571.642) **Section 37**: (1) instead requires verification that the bull tested negative in each of its two most recent tests; (2) provides that a test-eligible bull may not be shipped, transported or moved into this State if the test-eligible bull has had contact with female cattle at any time between when the sample for an official test for trichomoniasis was collected and when the bull enters this State; and (3) requires the owner or lessee to comply with the annual trichomoniasis testing requirements set forth in **section 8**.

Existing regulations: (1) require the owner or lessee of a commuter bull to ensure the commuter bull is tested for trichomoniasis annually between October 1 and the following May 31; and (2) prohibit the owner or lessee from allowing a commuter bull from an infected herd access to female cattle unless the commuter bull receives a negative test result in each of its three most recent tests for trichomoniasis. (NAC 571.644) **Section 38**: (1) provides that a commuter bull must test negative for trichomoniasis annually during the testing season established in **section 7**; and (2) requires a commuter bull from an infected herd to test negative in each of its two most recent tests before it may be allowed access to female cattle.

Existing regulations provide that an untested bull may be sold for slaughter or for direct movement to a qualified feedlot or total confinement operation without a written declaration as to whether the bull is positive for trichomoniasis. (NAC 571.648) **Section 40** provides that if the untested bull originates from an infected or exposed herd subject to a disease quarantine or hold order, the owner or owner's agent must comply with the conditions of the quarantine or hold order before the bull may be sold.

Section 42 requires an accredited veterinarian or veterinary technician under the direct or indirect supervision of an accredited veterinarian who collects a sample from a bull to: (1) place an official test tag in the ear of the bull; and (2) record the official identification of the bull. **Section 42** also authorizes an accredited veterinarian to place an official test tag on a bull who enters this State with a trichomoniasis test chart from an accredited veterinarian outside of this State.

Existing law requires the owner or agent in charge of an infected animal, or any inspector of the Department or veterinarian who has knowledge of an infected animal, to notify the State

Quarantine Officer. (NRS 571.160) **Section 43** provides that trichomoniasis is a reportable disease in this State.

Existing regulations establish certain trichomoniasis testing requirements for an infected herd, which include requiring a test-eligible bull from an infected herd to test negative on three official tests. (NAC 571.656) **Section 44** instead requires: (1) each test-eligible bull to test negative on two consecutive official tests before the Director may release a hold order on an infected herd; and (2) that cattle from an infected herd entering a slaughter channel remain under quarantine until moved to slaughter and the movement of such cattle must be approved by the Department.

Existing regulations require an accredited veterinarian or veterinary technician taking a specimen from a bull to ensure the specimen arrives at an official laboratory for testing within 48 hours after it is collected. (NAC 571.664) **Section 47** of this regulation instead requires that an accredited veterinarian taking a sample or supervising the taking of a sample contact an official laboratory for the timeframe and condition in which the sample must be received by the official laboratory to test the sample.

Section 49 of this regulation repeals certain provisions of existing regulations relating to diseased animals.

Section 1. Chapter 571 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive of this regulation.

Sec. 2. ***"Public livestock auction" has the meaning ascribed to it in NRS 573.010.***

Sec. 3. ***Except as otherwise provided in section 4 of this regulation, any animal or livestock entering this State that is not accompanied by a valid health certificate in violation of NRS 571.210, as amended by section 23 of Assembly Bill No. 59, chapter 222, Statutes of Nevada 2025, at page 1366, and entry permit, if required, must be held in quarantine by the State Quarantine Officer at the expense of the owner of the animal or livestock.***

Sec. 4. ***In the event of a natural disaster, fire or similar emergency evacuation incident, the Department may temporarily waive any requirement for animals or livestock to be accompanied by an entry permit and allow any approved shipment of animals or livestock to be imported into this State without an entry permit. All animals or livestock in the shipment must:***

1. Travel directly to a location approved by the Department;

2. Be isolated from other animals and livestock; and

3. Remain under immediate quarantine until released by the Department.

Sec. 5. *The Administrator or Director may deny any brand inspection provided pursuant to chapter 565 of NAC or any other service offered by the Department to any owner, lessee or manager of animals or livestock if:*

1. Such animals or livestock are the subject of an epidemiological investigation, hold order or disease quarantine; or

2. The owner, lessee or manager does not comply with the requirements for trichomoniasis testing set forth in NAC 571.644 and, if applicable, section 8 of this regulation.

Sec. 6. *"Exposed herd" means a herd classified by the Director pursuant to NAC 571.658 in which the herd was commingled or pastured adjacent to an infected bull that tested positive for trichomoniasis and an epidemiological investigation determined that sexual contact may have or did occur between the herd and the infected bull.*

Sec. 7. *For the purposes of NAC 571.600 to 571.668, inclusive, and sections 6 to 8, inclusive, of this regulation, the annual testing season for trichomoniasis begins on September 1 of each calendar year and ends on August 31 of the following calendar year.*

Sec. 8. *1. Except as otherwise provided in subsection 3, if a test-eligible bull tests positive for trichomoniasis, including, without limitation, a bull located in this State or shipped, transported or otherwise moved into this State, the owner or lessee of the infected bull and its infected herd classified pursuant to NAC 571.654 and the owner or lessee of any exposed herd classified pursuant to NAC 571.658 must submit all the bulls he or she owns or leases for annual trichomoniasis testing in accordance with the provisions of this section until all test-eligible bulls have tested negative for trichomoniasis for 5 consecutive years.*

2. Except as otherwise provided in subsection 3, all test-eligible bulls identified in subsection 1 and all test-eligible bulls in an infected herd or exposed herd that are located in this State, including, without limitation, any test-eligible bulls that have been shipped, transported or otherwise moved into this State, must test negative for trichomoniasis as evidenced by an official test administered:

(a) Before the end of the annual testing season established by section 7 of this regulation;

(b) Not less than 45 days before the bulls are turned out on a grazing allotment; or

(c) Before any bull is allowed access to female cattle,

➥ whichever occurs first.

3. The provisions of this section do not apply to test-eligible bulls that are consigned directly to a qualified feedlot for finish feeding for slaughter or that are directly entering the slaughter channel.

Sec. 9. NAC 571.002 is hereby amended to read as follows:

571.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 571.0025 to 571.019, inclusive, ***and section 2 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 10. NAC 571.010 is hereby amended to read as follows:

571.010 "Health certificate" means ~~[a certificate concerning]~~ ***an official document that records*** the health ***status, origin, destination and identification*** of an animal that is issued by a licensed veterinarian who is accredited by the ~~[Federal Government or a health authority of the State or Federal Government.]~~ ***Veterinary Services of the Animal and Plant Health Inspection Service of the United States Department of Agriculture in accordance with 9 C.F.R. Part 161.***

The term includes, without limitation, a certificate of veterinary inspection ~~[.]~~ ***prepared in accordance with 9 C.F.R. Part 161.***

Sec. 11. NAC 571.020 is hereby amended to read as follows:

571.020 All copies of health certificates, applications for permits and requests for additional information relative to the provisions for entry of foreign livestock should be addressed to the Administrator of the Division of Animal Industry, State Department of Agriculture, ~~[350 Capitol Hill Avenue, Reno, Nevada 89502,]~~ ***405 South 21st Street, Sparks, Nevada 89431,*** telephone number (775) ~~[688-1180.]~~ ***353-3709, or to the electronic mailing address entrypermits@agri.nv.gov.***

Sec. 12. NAC 571.030 is hereby amended to read as follows:

571.030 1. A person shall not ship, transport or otherwise move a horse, mule or ass into this State unless the horse, mule or ass:

(a) Is accompanied by a ~~[certificate of veterinary inspection;]~~ ***health certificate;*** and

(b) Except as otherwise provided in subsection 2, reacts negatively to a test ***approved by the Department*** for equine infectious anemia that was conducted within 1 year before the date of entry into this State.

2. The following horses, mules or asses are exempt from testing for equine infectious anemia:

(a) A nursing foal which is less than 6 months of age and which is accompanied by its dam if its dam has reacted negatively to such a test.

(b) Horses from Nevada that are used outside the State for seasonal ranching purposes only.

Sec. 13. NAC 571.035 is hereby amended to read as follows:

571.035 A person shall not ship, transport or otherwise move sheep into Nevada unless:

1. Each sheep is:

(a) Accompanied by an entry permit;

(b) Individually identified using official scrapie identification; and

(c) Specified on a health certificate that includes:

(1) A statement by the issuing veterinarian ***that:***

(I) Is approved by the Department;

(II) Is consistent with the requirements of the federal National Scrapie Eradication Program set forth in 9 C.F.R. Parts 54 and 79; and

(III) Indicates that the sheep is not ~~[exhibiting clinical signs associated with scrapie at the time of examination;~~

~~(2) A statement by the owner verifying that the sheep is not]~~ a ~~[scrapie-positive animal,]~~ suspect animal ~~[, high-risk animal or exposed animal]~~ ***or showing signs of clinical illness*** and that the sheep did not originate from an infected flock, source flock, exposed flock or noncompliant flock;

~~[(3)]~~ ***(2)*** For a breeding animal, the flock of birth of the sheep ~~[;]~~ ***or a similar identification approved by the Department;*** and

~~[(4)]~~ ***(3)*** A unique identifying number for the sheep that is consistent with official scrapie identification.

2. All breeding rams that are 6 months of age or older are tested for Brucella ovis on ~~[the Enzyme Linked Immunosorbent Assay (ELISA)]~~ ***a*** test ***approved by the Department*** and react negatively to that test within 30 days before entry into this State.

3. The person complies with any additional rules and regulations governing the importation of sheep adopted by the State Quarantine Officer.

Sec. 14. NAC 571.040 is hereby amended to read as follows:

571.040 1. ~~[Except as otherwise provided in subsection 3, a person shall not ship, transport or otherwise move into Nevada any cattle or bison that do not react negatively to a test for brucellosis.~~

~~2.]~~ Except as otherwise provided in subsection 3, a person shall not ship, transport or otherwise move cattle or bison into Nevada unless:

(a) Each animal is accompanied by a health certificate and an entry permit.

(b) All female cattle and bison that are 12 months of age or older ***have received an official brucellosis calfhood vaccination between the ages of 4 months and 12 months and*** bear a legible official tattoo ***and an associated official identification tag or official United States Department of Agriculture 840 Radio Frequency Identification Device tag*** as evidence of ***having received an official brucellosis*** calfhood vaccination ***.*** ~~[against brucellosis.]~~

(c) The following cattle and bison react negatively to a test for brucellosis within the 30 days before entry into Nevada:

(1) All ~~[bulls that are 18 months of age or older;]~~ ***sexually intact cattle of any age moving from a designated surveillance area for brucellosis that is recognized by the United States Department of Agriculture, unless otherwise approved by the Department based on seasonal grazing;***

(2) ~~[Vaccinated female]~~ ***All sexually intact*** bison ~~[that are 24 months of age or older;]~~ ***; and***

(3) ~~[Vaccinated female dairy]~~ ***Any other*** cattle ***or bison*** that ~~[are 20 months of age or older; and~~

~~(4) Other vaccinated female cattle that are 24 months of age or older.]~~ ***originate from a herd, area or state not recognized as free of brucellosis by the United States Department of Agriculture or where brucellosis status may present an increased risk of disease, as determined by the Department;***

(d) ~~[All]~~ ***The following*** cattle and bison ~~[that are 12 months of age or older]~~ react negatively to a test for tuberculosis:

(1) Within the 30 days before entry into Nevada ~~[,]~~ ***:***

(I) All sexually intact dairy cattle that are 6 months of age or older;

(II) All bison that are 6 months of age or older; and

(III) Any cattle or bison that originate from a herd, area or state that is not recognized as free of tuberculosis by the United States Department of Agriculture or where the tuberculosis status may present an increased risk of disease, as determined by the Department; and

(2) ~~[Not earlier than 90 days after such entry but not later than 120 days after such]~~ ***Within 12 months before*** entry ~~[,]~~ ***into Nevada, all sexually intact cattle that are 12 months of age or older entering this State for events, rodeos, shows or exhibitions;*** and

~~[(3) Not earlier than 180 days after such entry but not later than 210 days after such entry.]~~

(e) All ~~[steers]~~ ***cattle*** originating from Mexico:

(1) Are branded with the letter "M" on the ~~[right jaw; and]~~ ***upper right hip or have a similar permanent brand approved by the Department that is consistent with the requirements of the United States Department of Agriculture;***

(2) Have reacted negatively to a test for tuberculosis within the 12 months before entry into Nevada ~~[.]~~ ***; and***

(3) Are only steers or spayed heifers.

2. All cattle originating from Mexico in accordance with subsection 1 must:

(a) If the cattle are used in a rodeo, roping, exhibition, sporting or any similarly timed event, be tested for tuberculosis annually beginning after the cattle have entered the United States. The records of such tuberculosis tests must, without limitation:

(1) Be retained by the owner, manager, agent or representative in possession of such cattle at all times; and

(2) Include all official identification numbers which correspond with the cattle;

(b) Have any official identification listed individually on the health certificate, regardless of the age of the cattle;

(c) Not be co-pastured or commingled with any other livestock susceptible to tuberculosis; and

(d) Have official identification ear tags from Mexico.

3. The Administrator may exempt a person who wishes to ship, transport or otherwise move into Nevada:

(a) Cattle and bison from the requirements of testing for brucellosis if the cattle or bison enter Nevada from a herd, area or state that is recognized as free of brucellosis by the United States Department of Agriculture.

(b) Cattle from the requirements of having a health certificate, an entry permit and a test for brucellosis before entry into Nevada if the cattle are moved from a farm of origin to a stockyard which is approved by the Administrator. A test for brucellosis is required when the cattle arrive at the stockyard and before the identity of the farm of origin is lost.

(c) Cattle and bison from the requirement of testing for tuberculosis if the cattle or bison originate from a state that is recognized as free of tuberculosis by the United States Department of Agriculture.

(d) Cattle from the requirement of calfhood vaccination against brucellosis if the cattle are shipped, transported or moved for seasonal grazing in Nevada from an area that is recognized as free of brucellosis by the United States Department of Agriculture and, within 30 days before entry into Nevada, test negative for the presence of brucellosis. During the period in which the cattle are located in Nevada, the ownership of the cattle must not change and the cattle must not commingle with any other cattle except for shipment, transport or movement directly to a location for slaughter.

4. A person shall not ship, transport or move into Nevada any sexually intact cattle originating from Mexico except under such conditions as are specified by the Administrator.

Sec. 15. NAC 571.065 is hereby amended to read as follows:

571.065 ~~[1. In addition to the requirements of subsection 2, if applicable, a]~~ ***A*** person shall not ship, transport or otherwise move game, fur-bearing or wild animals into Nevada unless he or she complies with any additional requirements of the Department for entry into this State for that animal.

~~[2. A person shall not ship, transport or otherwise move into Nevada:~~

~~(a) A North American elk unless it reacts negatively to a test for brucellosis within the 30 days before entry into Nevada; and~~

~~(b) Any species of the family Cervidae that is domesticated unless it reacts negatively to tests for tuberculosis and brucellosis within the 30 days before entry into Nevada.]~~

Sec. 16. NAC 571.070 is hereby amended to read as follows:

571.070 1. A person shall not ship, transport or otherwise move chickens, turkeys, or other poultry or domesticated birds into Nevada unless each chicken, turkey, other poultry or bird is accompanied by a health certificate.

2. Poultry and game birds that have been reared in captivity and hatching eggs must be produced from flocks which meet the requirements concerning pullorum typhoid mycoplasma gallispeticum and mycoplasma synoviae set forth in the "National Poultry Improvement Plan" or the "National Turkey Improvement Plan" which are hereby adopted by reference. The health certificate must verify that the poultry, game birds or hatching eggs meet the requirements of the applicable plan. The plans are available without charge from the United States Department of Agriculture, Animal and Plant Health Inspection ~~[Division, Federal Building, Hyattsville,]~~ ***Service, 4700 River Road, Riverdale,*** Maryland ~~[20782.]~~ ***20737.***

3. Permission for entry of an exotic or wild bird into this State must be obtained from the Department of Wildlife, ~~[P.O. Box 10678,]~~ ***6980 Sierra Center Parkway, Suite 120,*** Reno, Nevada ~~[89510,]~~ ***89511,*** telephone number (775) 688-1500.

Sec. 17. NAC 571.080 is hereby amended to read as follows:

571.080 A person shall not ship, transport or otherwise move a dog or cat into Nevada unless:

1. Each dog or cat is accompanied by a health certificate; and

2. A dog or cat that is ~~[3 months]~~ ***12 weeks*** of age or older is vaccinated against rabies pursuant to the ~~[Annual National]~~ *Compendium of Animal Rabies* ***Prevention and*** *Control* ***, 2016 edition, published by the National Association of State Public Health Veterinarians,*** which is hereby adopted by reference. The ~~[compendium]~~ ***Compendium*** is available without charge ~~[from]~~ ***on*** the ***Internet website of the*** National Association of State Public Health Veterinarians

~~[, Dr. Kathy Smith, Secretary, Ohio Department of Health, 246 North High Street, P.O. Box 118, Columbus, Ohio 43266-0118, telephone number (614) 466-0283.]~~ ***at www.nasphv.org.***

Sec. 18. NAC 571.095 is hereby amended to read as follows:

571.095 1. A person who is transporting livestock shall stop at a check point for inspection of the livestock if requested by an employee of the Department.

2. Except as otherwise provided in subsection 3, a person who is transporting livestock shall carry health certificates for the livestock. ~~[The]~~ ***Unless otherwise required by the Department, the*** health certificates must have been issued within the previous 30 days.

3. The following livestock are not required to have health certificates:

(a) Livestock being transported only within Nevada ~~[.]~~ ***, unless the livestock are subject to a hold order or disease quarantine issued by the Department which requires the livestock to have a health certificate.***

(b) Livestock being transported into Nevada for grazing if the driver has in his or her immediate possession a grazing permit issued by the Department.

(c) Livestock being transported into Nevada only for slaughter.

(d) Livestock being transported through Nevada if the state of destination for the livestock does not require a health certificate.

4. An owner or operator of a conveyance used for transporting livestock shall maintain the conveyance in a sanitary condition. If a conveyance is used to transport livestock infected with or exposed to an infectious disease, the owner or operator must have the conveyance cleaned and disinfected if so ordered by the Administrator.

Sec. 19. NAC 571.105 is hereby amended to read as follows:

571.105 *1.* A person shall not ship, transport or otherwise move ***an animal or*** livestock into Nevada for sale, show, fairs or other public exhibition unless the person complies with the applicable requirements for entry for that animal ~~[.]~~ ***or livestock.***

2. In addition to any other applicable requirement for the entry of an animal or livestock into Nevada, a person holding a public livestock auction in Nevada that is subject to a current and federally approved agreement for the public livestock auction must also comply with any additional requirements for entry for that animal or livestock that are detailed in the agreement and approved by the Department.

Sec. 20. NAC 571.300 is hereby amended to read as follows:

571.300 A person may not sell, use or distribute in this State a serum, vaccine, bacterin ***, veterinary biologic*** or ***other*** biological product which is used as a diagnostic agent or used in the prevention or treatment of diseases of ***animals or*** livestock unless it has been produced in accordance with a permit ***, authorization*** or license granted by:

1. The United States Department of Agriculture;

2. The Department; ***or***

3. ~~[The Agricultural Research Service; or~~

~~4.]~~ An agency authorized by the Department.

Sec. 21. NAC 571.310 is hereby amended to read as follows:

571.310 A person shall not sell, use, distribute or possess any of the following products without the written permission of the Administrator:

1. Brucella abortus vaccine;

2. Pseudorabies vaccine;

3. Paratuberculosis vaccine;

4. Rabies vaccine; or

5. Any vaccine, bacteriological or biological product ~~[which is]~~ ***that could present*** a hazard to ***animals or livestock or to*** the livestock industry of this State ~~[.]~~ ***, as determined by the Department.***

Sec. 22. NAC 571.355 is hereby amended to read as follows:

571.355 1. ~~[Female]~~ ***Except as otherwise provided in subsection 2 and NAC 571.360 or unless otherwise authorized by the Administrator, cattle or bison located in this State or entering this State must receive an official brucellosis calfhood vaccination between the ages of 4 months and 12 months.***

2. In accordance with subsection 1, before any change of ownership occurs in this State, female cattle or bison that are ~~[at]~~ ***:***

(a) At least 4 months of age and not more than 12 months of age must ~~[be vaccinated for]~~ ***have received an official*** brucellosis ~~[before any change of ownership occurs in Nevada]~~ ***calfhood vaccination*** unless the cattle or bison are sold and immediately transported to a qualified feedlot ~~[.~~

~~2. Female cattle or bison that are more]~~ ***or out of this State; or***

(b) More than 12 months of age must ~~[be vaccinated for]~~ ***have received an official*** brucellosis ~~[before any change of ownership occurs in Nevada]~~ ***calfhood vaccination*** unless the cattle or bison are:

~~[(a)]~~ ***(1)*** Identified as spayed females in a manner approved by the Administrator;

~~[(b)]~~ ***(2)*** Sold for slaughter directly to or through ~~[a sales yard that is]~~ ***an*** approved ***public livestock auction as authorized*** by the Administrator;

~~[(c)]~~ ***(3)*** Sold and immediately transported to a destination that is located outside Nevada; or

~~[(d)]~~ ***(4)*** Consigned for finishing to a feedlot that is registered with the United States Department of Agriculture and, after finishing, are moved from the feedlot to a location for slaughter.

3. As used in this section, "qualified feedlot" has the meaning ascribed to it in NAC 571.622.

Sec. 23. NAC 571.390 is hereby amended to read as follows:

571.390 1. Positive diagnosis is made by using the agar gel immuno diffusion test (Coggins Test) or other ~~[approved tests]~~ ***test approved by the Department*** to be conducted at any laboratory approved and recognized as an official laboratory for the diagnosis of the equine disease, equine infectious anemia.

2. ~~[Blood samples]~~ ***Samples*** collected ~~[for the purpose of testing]~~ ***to test*** for equine infectious anemia must be ~~[done]~~ ***collected only*** by a ~~[practicing]~~ ***licensed*** veterinarian at the owner's request and expense, or by a veterinarian employed by the Federal Government or this State.

3. A complete, positive identification of the horse must be made by the veterinarian at the time of the blood sample collection ~~[.]~~ ***on a form approved by the Department.***

4. An owner of a horse on which the approved test is to be conducted must be advised as to the agreed procedure that is to follow in the event the animal is positive to the official test and an agreement must be signed by the owner of the animal in which the owner agrees to the disposition of the horse as outlined.

Sec. 24. NAC 571.470 is hereby amended to read as follows:

571.470 1. The Department, in conjunction with the owner of a herd of swine that is quarantined for pseudorabies, shall develop a written plan for the herd within 30 days after the

herd is quarantined. The plan must be signed by the owner of the herd and the Administrator or his or her authorized representative.

2. The plan must comply with the standards published in "The Pseudorabies Herd Plan Manual" and "Pseudorabies Eradication, State-Federal-Industry Program Standards" which are hereby adopted by reference. The ~~[manual]~~ ***Manual*** is available without cost from the Livestock Conservation Institute, 6414 Copps Avenue, Suite 204, Madison, Wisconsin 53718, telephone number (608) 221-4848. The ~~[standards]~~ ***Standards*** are available without cost from the United States Department of Agriculture, Animal and Plant Health Inspection ~~[Division, Room 735, Federal Building, 6505 Belcrest Road, Hyattsville,]~~ ***Service, 4700 River Road, Riverdale,*** Maryland ~~[20782,]~~ ***20737, or by toll-free*** telephone ~~[number (301) 436-7767.]~~ ***at (844) 820-2234.***

Sec. 25. NAC 571.600 is hereby amended to read as follows:

571.600 As used in NAC 571.600 to 571.668, inclusive, ***and sections 6 to 8, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 571.602 to 571.638, inclusive, ***and section 6 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 26. NAC 571.607 is hereby amended to read as follows:

571.607 "Hold order" means an order issued pursuant to NRS 561.295 ~~[for]~~ ***due to exposure or*** infection with ~~[trichomonosis.]~~ ***trichomoniasis.***

Sec. 27. NAC 571.608 is hereby amended to read as follows:

571.608 "Negative test result" ***or "negative"*** means that ~~[a specimen taken from a bull by an accredited veterinarian or veterinary technician is]~~ ***an official laboratory has*** determined ~~[not~~

~~to contain trichomonas organisms.]~~ ***a test sample to be negative for the presence of Tritrichomonas foetus using an official test for trichomoniasis.***

Sec. 28. NAC 571.612 is hereby amended to read as follows:

571.612 "Official laboratory" means a laboratory that is approved by the Department and follows official protocol ~~[:~~

~~1. To conduct a culture test on a specimen for the presence of trichomonas organisms; or~~

~~2. To]~~ ***to*** confirm by polymerase chain reaction ~~[testing]~~ ***or another test approved by the Department*** whether ~~[a specimen]~~ ***an official test*** is positive ***or negative*** for ***the presence of*** Tritrichomonas foetus.

Sec. 29. NAC 571.616 is hereby amended to read as follows:

571.616 "Official ***test*** tag" means a tag authorized by the Department and approved by the Administrator that is ~~[usually]~~ placed in the ~~[right]~~ ear of a bull ***, with a preference for placement in the right ear,*** by an accredited veterinarian or veterinary technician ***under the indirect supervision of an accredited veterinarian*** to indicate the ~~[status]~~ ***year*** of the ~~[bull with respect to trichomonosis.]~~ ***most recent official test for trichomoniasis for the bull.***

Sec. 30. NAC 571.618 is hereby amended to read as follows:

571.618 "Official test for ~~[trichomonosis"]~~ ***trichomoniasis" or "official test"*** means a test for ~~[trichomonosis]~~ ***trichomoniasis*** that is performed on a ***test-eligible*** bull ~~[in this State]~~ ***by polymerase chain reaction or another test approved by the Department*** where:

1. The test ***sample*** is ~~[performed]~~ ***collected*** by an accredited veterinarian or veterinary technician ***under the direct or indirect supervision of an accredited veterinarian*** who is registered with the Department pursuant to NAC 571.640;

2. The ~~[specimen]~~ ***sample*** collected from the bull is tested in an official laboratory;

3. The testing complies with the provisions of NAC 571.664 ***;*** ~~[and 571.666;]~~ and

4. The testing is performed in accordance with any testing procedures approved by the Administrator.

Sec. 31. NAC 571.620 is hereby amended to read as follows:

571.620 "Positive test result" ***or "positive"*** means that ~~[a specimen collected from a bull by an accredited veterinarian or veterinary technician is]~~ ***an official laboratory has*** determined ~~[to contain trichomonas organisms.]~~ ***an official test sample to be non-negative for the presence of Tritrichomonas foetus.***

Sec. 32. NAC 571.632 is hereby amended to read as follows:

571.632 "Test chart" means an official document signed by an accredited veterinarian ~~[or veterinary technician]~~ which certifies that a bull has been subjected to an official test for ~~[trichomonosis]~~ ***trichomoniasis*** and indicates the results of the ***official*** test.

Sec. 33. NAC 571.633 is hereby amended to read as follows:

571.633 ~~["Test eligible]~~ ***"Test-eligible*** bull" means ~~[an]~~ ***a sexually*** intact male bovine that is ~~[12]~~ ***18*** months of age or older.

Sec. 34. NAC 571.634 is hereby amended to read as follows:

571.634 "Total confinement operation" means a dry lot feeding operation where none of the sexually ~~[active]~~ ***intact*** cattle are allowed access to pasture or to mingle with other cattle outside the confines of the premises of the operation.

Sec. 35. NAC 571.636 is hereby amended to read as follows:

571.636 ~~["Trichomonosis"]~~ ***"Trichomoniasis"*** means a sexually transmitted disease of cattle caused by the protozoan parasite Tritrichomonas foetus.

Sec. 36. NAC 571.640 is hereby amended to read as follows:

571.640 ~~[An]~~

1. To collect samples for an official test for trichomoniasis, an accredited veterinarian or veterinary technician ~~[may register with]~~ ***must:***

(a) Complete a certification program approved by the Department ~~[to perform official tests for trichomonosis if he or she has completed a training program approved by]~~ ***; and***

(b) Register with the Department ***.*** ~~[on trichomonosis and how properly to perform an official test for trichomonosis on a bull, or demonstrates adequate knowledge of such matters to the satisfaction of the Director.]~~

2. A veterinary technician may collect samples for an official test for trichomoniasis only under the direct or indirect supervision of an accredited veterinarian.

Sec. 37. NAC 571.642 is hereby amended to read as follows:

571.642 1. Except as otherwise provided in subsection 2 and NAC 571.644, a person shall not ship, transport or otherwise move into this State any ~~[test eligible]~~ ***test-eligible*** bull unless the ~~[test eligible]~~ ***test-eligible*** bull:

(a) Has tested negative for ~~[trichomonosis,]~~ ***trichomoniasis,*** as evidenced by ~~[a]~~ ***an official*** test performed on a ~~[specimen taken]~~ ***sample collected*** from the ~~[test eligible]~~ ***test-eligible*** bull by an accredited veterinarian within 60 days before entering this State; ~~[and]~~

(b) ***Has not had contact with female cattle from the time the sample was collected from the test-eligible bull for an official test to the time the bull is shipped, transported or otherwise moved into this State; and***

(c) Is accompanied by a health certificate issued by the accredited veterinarian which specifies the date of the testing and collection of the specimen and which:

(1) Verifies that the ~~[test eligible]~~ ***test-eligible*** bull has tested negative for ~~[trichomonosis]~~ ***trichomoniasis on an official test*** and that ~~[trichomonosis]~~ ***trichomoniasis*** has not been diagnosed in the herd of origin of the ~~[test eligible]~~ ***test-eligible*** bull during the previous 12 months; or

(2) If the ~~[test eligible]~~ ***test-eligible*** bull is from a herd that has tested positive for ~~[trichomonosis]~~ ***trichomoniasis*** during the previous 12 months, verifies that the ~~[test eligible]~~ ***test-eligible*** bull has tested negative ***by an official test*** for ~~[trichomonosis]~~ ***trichomoniasis*** in each of its ~~[three]~~ ***two*** most recent ***official*** tests before entering this State and that each such test was performed at least ~~[1 week]~~ ***7 days*** apart and complied with the official program to test for ~~[trichomonosis]~~ ***trichomoniasis*** in the state of origin of the ~~[test eligible]~~ ***test-eligible*** bull. ***For the purposes of this requirement, the official test that identified the positive bull in the herd may be used if the test-eligible bull for which application for entry is being made tested negative.***

2. The Administrator may exempt from the requirements of subsection 1 a person who wishes to ship, transport or otherwise move into this State:

(a) A ~~[test eligible]~~ ***test-eligible*** bull bearing a tag issued by an accredited veterinarian of another state that has an official program to test for ~~[trichomonosis;]~~ ***trichomoniasis;***

(b) A ~~[test eligible]~~ ***test-eligible*** bull moving directly to slaughter or to a qualified feedlot;

(c) A feeder bull;

(d) A rodeo bull for the purpose of exhibition so long as the bull will not:

(1) Have access to grazing;

(2) Be exposed to female cattle; or

(3) Be offered for sale or lease; or

(e) A ~~[test eligible]~~ ***test-eligible*** bull for the purpose of exhibition at a livestock show so long as the ~~[test eligible]~~ ***test-eligible*** bull will be returned to its state of origin upon the completion of the exhibition and will not:

(1) Have access to grazing;

(2) Be exposed to female cattle; or

(3) Be offered for sale or lease.

3. ***If a test-eligible bull is from a herd that has tested positive for trichomoniasis during the previous 12 months, the person shipping, transporting or otherwise moving the test-eligible bull into this State must comply with the requirements of section 8 of this regulation.***

4. As used in this section, "feeder bull" means a ~~[test eligible]~~ ***test-eligible*** bull that is:

(a) Sufficiently restrained from female cattle such that breeding is not a possibility; and

(b) Kept in a total confinement operation for the purpose of feeding and eventual slaughter.

Sec. 38. NAC 571.644 is hereby amended to read as follows:

571.644 1. ~~[The]~~ ***Except as otherwise provided in section 8 of this regulation, the*** owner or lessee of a commuter bull that is a ~~[test eligible]~~ ***test-eligible*** bull shall ensure that the commuter bull has ~~[been]~~ tested ***negative for trichomoniasis as evidenced by an official test*** for ~~[trichomonosis]~~ ***trichomoniasis performed*** by an accredited veterinarian or veterinary technician ~~[:~~

~~(a) Annually, between October 1 and the following May 31; and~~

~~(b) Except as otherwise provided in subsection 2, before it is exposed to female cattle.]~~ ***administered annually during the testing season established by section 7 of this regulation.***

2. If the commuter bull is from an infected herd, the owner or lessee of the commuter bull shall ensure that the commuter bull is not exposed to female cattle unless:

(a) The commuter bull has received a negative test result in each of its ~~[three]~~ ***two*** most recent ***official*** tests for ~~[trichomonosis]~~ ***trichomoniasis*** that were performed at least 7 days apart; and

(b) The sample for each ***official*** test was collected at least 7 days apart and tested for ~~[trichomonosis.]~~ ***trichomoniasis.***

3. An application for a commuter permit must be accompanied by a copy of the results of the required testing with respect to each commuter bull covered by the permit.

4. As used in this section:

(a) "Commuter bull" means a bull that is traveling across state lines for grazing purposes pursuant to a commuter permit.

(b) "Commuter permit" means a permit that is issued pursuant to NAC 571.045.

Sec. 39. NAC 571.646 is hereby amended to read as follows:

571.646 No ~~[test eligible]~~ ***test-eligible*** bull may be offered for sale or lease in this State for reproductive purposes unless the ~~[test eligible]~~ ***test-eligible*** bull:

1. Tested negative for ~~[trichomonosis,]~~ ***trichomoniasis,*** as evidenced by an official test for ~~[trichomonosis]~~ ***trichomoniasis*** on a ~~[specimen]~~ ***sample*** taken from the ~~[test eligible]~~ ***test-eligible*** bull within 60 days before the sale or lease, except that a ~~[test eligible]~~ ***test-eligible*** bull must be retested before the sale or lease if the ~~[test eligible]~~ ***test-eligible*** bull is exposed to female cattle after the official test for ~~[trichomonosis;]~~ ***trichomoniasis;*** and

2. Bears an official ***test*** tag.

Sec. 40. NAC 571.648 is hereby amended to read as follows:

571.648 1. ~~[Before]~~ ***Except as otherwise provided in subsection 2, before*** a ~~[test eligible]~~ ***test-eligible*** bull may be sold at a stockyard ***or public livestock auction*** in this State, the owner

or the owner's agent must declare in writing whether or not the ~~[test eligible]~~ ***test-eligible*** bull is positive for ~~[trichomonosis, except that if the test eligible]~~ ***trichomoniasis.***

2. If a test-eligible bull is an untested bull ~~[it]~~ ***:***

(a) The untested bull may be sold for slaughter or for direct movement to a qualified feedlot or total confinement operation without ~~[such a]~~ ***the*** written declaration ~~[.~~

~~2.]~~ ***required pursuant to subsection 1.***

(b) And originates from an infected or exposed herd that is subject to a disease quarantine or a hold order, the owner or owner's agent must, in addition to the requirements of NAC 571.656, first comply with the conditions of the quarantine or hold order before the untested bull may be sold at a stockyard or public livestock auction in this State.

3. As used in this section, "untested bull" means a ~~[test eligible]~~ ***test-eligible*** bull that does not bear an official ***test*** tag.

Sec. 41. NAC 571.650 is hereby amended to read as follows:

571.650 1. The Administrator may require:

(a) A ~~[test eligible]~~ ***test-eligible*** bull to receive an official test for ~~[trichomonosis]~~ ***trichomoniasis*** if the ~~[test eligible]~~ ***test-eligible*** bull is found estray or stray and is found commingling with a cow belonging to another person.

(b) The owner of a ~~[test eligible]~~ ***test-eligible*** bull described in ~~[subsection 1]~~ ***paragraph (a)*** to pay all costs associated with the official test for ~~[trichomonosis.]~~ ***trichomoniasis.***

2. As used in this section:

(a) "Estray" means any ~~[test eligible]~~ ***test-eligible*** bull showing signs of domestication, running at large upon public or private lands in the State, whose owner is unknown in the section where the ~~[test eligible]~~ ***test-eligible*** bull is found.

(b) "Stray" means any ~~[test eligible]~~ ***test-eligible*** bull showing signs of domestication, running at large upon public or private lands in the State, whose owner is known in the section where the ~~[test eligible]~~ ***test-eligible*** bull is found.

Sec. 42. NAC 571.652 is hereby amended to read as follows:

571.652 1. An accredited veterinarian or veterinary technician ***under the direct or indirect supervision of an accredited veterinarian*** who ~~[performs]~~ ***collects a sample for*** an official test for ~~[trichomonosis]~~ ***trichomoniasis*** on a bull in this State shall ***:***

(a) Place an official test tag ***in the ear of*** the bull ~~[in its]~~ ***, with a preference for placement in the*** right ear ~~[with an official tag.]~~ ***; and***

(b) Record the official identification of the bull, which may be a National Uniform Eartagging System tag or a United States Department of Agriculture 840 Radio Frequency Identification Device tag, with the corresponding official test tag for additional proof of testing in the event the official test tag is lost.

2. An accredited veterinarian may ~~[tag]~~ ***place an official test tag in the ear of*** a bull entering this State ~~[with an official tag]~~ ***, with a preference for placement in the right ear,*** if he or she receives a ~~[trichomonosis]~~ ***trichomoniasis*** test chart for the bull from an accredited veterinarian who tested the bull for ~~[trichomonosis]~~ ***trichomoniasis*** outside of this State.

3. The Administrator will designate a different color for official ***test*** tags each year.

Sec. 43. NAC 571.654 is hereby amended to read as follows:

571.654 1. ***Pursuant to NRS 571.160, trichomoniasis is a reportable disease in this State.*** An accredited veterinarian who ~~[performs an official test]~~ ***is responsible for sample collection*** for ~~[trichomonosis]~~ ***trichomoniasis*** on a bull in this State shall, within 48 hours after his or her receipt of a positive test result ***to an official test*** with respect to the bull:

(a) Report the result to the Administrator, the Director and the owner of the bull; and

(b) Classify the bull as an infected bull and its herd as an infected herd.

2. The Director will immediately place ~~[an]~~ ***the*** infected bull and its infected herd under a hold order and ensure that the Administrator ***or his or her designee*** or a federal animal health official conducts an epidemiological investigation of the infected herd.

3. As used in this section, "federal animal health official" means an employee of the Veterinary Services of the Animal and Plant Health Inspection Service of the United States Department of Agriculture who is authorized to perform animal health activities.

Sec. 44. NAC 571.656 is hereby amended to read as follows:

571.656 1. Before the Director releases an infected herd from a hold order, an accredited veterinarian must ensure that:

(a) Each ~~[test eligible]~~ ***test-eligible*** bull in the infected herd ~~[receives the first of three]~~ ***tests negative on two consecutive*** official tests for ~~[trichomonosis]~~ ***trichomoniasis*** within 8 months after the herd is placed under the hold order ***.*** ~~[;]~~ ***For the purposes of this requirement, the official tests that identified the positive bull in the herd may be used if the bull sampled for the purpose of satisfying the hold order tested negative on the official test.***

(b) Each ~~[test eligible]~~ ***test-eligible*** bull is certified to be clear of ~~[trichomonosis]~~ ***trichomoniasis by an official test*** or is released to a slaughter channel ~~[;]~~ ***within 30 days after a positive test result.***

(c) Each ~~[test eligible]~~ ***test-eligible*** bull receives and bears an official ***test*** tag ***.*** ~~[; and]~~

(d) The official ***test*** tag number and classification of each ~~[test eligible]~~ ***test-eligible*** bull is recorded on a test chart.

2. Before a ~~[test eligible]~~ ***test-eligible*** bull may be certified to be clear of ~~[trichomonosis]~~ ***trichomoniasis*** pursuant to subsection 1:

(a) The ~~[test eligible]~~ ***test-eligible*** bull must have received a negative test result ***on an official test*** in each of its ~~[three]~~ ***two*** most recent official tests for trichomonosis, with each such test being performed at least 7 days apart; and

(b) The sample for each test must have been collected at least 7 days apart and tested for ~~[trichomonosis.]~~ ***trichomoniasis.***

3. Except as otherwise provided in subsection 4, the owner or lessee of an infected herd shall not lease or transfer ownership of any bull or cow, or any heifer that is ~~[20]~~ ***18*** months of age or older, from the herd during a period in which the herd is under a hold order.

4. The owner or lessee of an infected herd may ~~[release]~~ ***consign*** any cattle from the herd to a slaughter channel. If an owner or lessee ~~[releases]~~ ***consigns*** any cattle from the herd to a slaughter channel ~~[, the]~~ ***:***

(a) The cattle from the infected herd entering the slaughter channel must remain under quarantine until moved to the slaughter channel;

(b) The owner or lessee must obtain approval from the Department to move the cattle from the infected herd from the original premises to the slaughter channel; and

(c) The owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

5. As a condition of the release of any hold order, the owner or lessee must comply with the requirements of section 8 of this regulation.

Sec. 45. NAC 571.658 is hereby amended to read as follows:

571.658 1. If, through an epidemiological investigation, a ~~[trichomonosis]~~ ***trichomoniasis*** epidemiologist ~~[determines that]~~ ***identifies*** a neighboring herd ~~[has had]~~ ***at risk of*** contact with an infected bull, the Director will classify the herd as an exposed herd and place it under a hold order.

2. Before the Director releases an exposed herd from a hold order, an accredited veterinarian must ensure that:

(a) Each ~~[test eligible]~~ ***test-eligible*** bull in the exposed herd receives an official test for ~~[trichomonosis]~~ ***trichomoniasis*** within 8 months after the herd was placed under a hold order ~~[;]~~ ***and that the sample was collected after the possible exposure occurred;***

(b) Each ~~[test eligible]~~ ***test-eligible*** bull is determined to be clear of ~~[trichomonosis]~~ ***trichomoniasis by an official test*** or is released to a slaughter channel;

(c) Each ~~[test eligible]~~ ***test-eligible*** bull receives and bears an official ***test*** tag; and

(d) The official ***test*** tag number and classification of each ~~[test eligible]~~ ***test-eligible*** bull is recorded on a test chart.

3. Before a ~~[test eligible]~~ ***test-eligible*** bull may be certified to be clear of ~~[trichomonosis]~~ ***trichomoniasis*** pursuant to subsection 2, the ~~[test eligible]~~ ***test-eligible*** bull must have received a negative test result in its most recent official test for ~~[trichomonosis.]~~ ***trichomoniasis.***

4. Except as otherwise provided in subsection 5, the owner or lessee of an exposed herd shall not lease or transfer ownership of any bull or cow, or any heifer that is ~~[20]~~ ***18*** months of age or older, from the herd during a period in which the herd is under a hold order.

5. The owner or lessee of an exposed herd may ~~[release]~~ ***consign*** any cattle from the herd to a slaughter channel. If an owner or lessee ~~[releases]~~ ***consigns*** any cattle from the herd to a

slaughter channel, the owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

6. As a condition of the release of any hold order, the owner or lessee must comply with the requirements of section 8 of this regulation.

Sec. 46. NAC 571.660 is hereby amended to read as follows:

571.660 ~~[Except as otherwise provided in NAC 571.662:]~~

1. The owner of a herd shall ensure that each bull from the herd that receives a positive test result to an official test for ~~[trichomonosis:]~~ ***trichomoniasis:***

(a) Is ~~[branded with a hot iron to the left of its tail with the letter "V" in a size not less than 2 inches by 3 inches]~~ ***identified by a method approved by the Department*** to signify that it is infected with ~~[trichomonosis;]~~ ***trichomoniasis;*** and

(b) Is sent by direct movement within 30 days after the owner receives the positive test result to a slaughter channel. The owner ~~[shall provide documentation,]~~ ***must obtain the approval of the Department*** on a form ***or other documentation*** approved by the ~~[Administrator, to the]~~ Department ~~[that the cattle arrived at]~~ ***to move each bull that receives a positive test result from the premise of origin to*** the slaughter channel.

2. The owner of a qualified feedlot which has a bull that has received a positive test result to an official test for ~~[trichomonosis]~~ ***trichomoniasis*** shall:

(a) Segregate the bull from ~~[every breeding cow and heifer]~~ ***all female cattle*** housed at the qualified feedlot; and

(b) Confine the bull to a dry lot area that is used to upgrade or finish feed the bull before it goes to slaughter.

Sec. 47. NAC 571.664 is hereby amended to read as follows:

571.664 An accredited veterinarian ~~[or veterinary technician]~~ shall:

1. Only use an official laboratory to test a ~~[specimen]~~ ***sample*** collected from a bull; ~~[and]~~

2. ***Contact an official laboratory for the timeframe and condition in which the sample must be received by the official laboratory to test the sample; and***

3. Ensure that the ~~[specimen:]~~ ***sample:***

(a) Arrives at an official laboratory for testing within ~~[48 hours after it is collected;]~~ ***the timeframe and condition specified by the official laboratory pursuant to subsection 2;*** and

(b) Is transported and maintained pursuant to official protocol.

Sec. 48. NAC 571.668 is hereby amended to read as follows:

571.668 A person who violates any provision of NAC 571.600 to 571.668, inclusive, ***and sections 6 to 8, inclusive, of this regulation*** is subject to the penalties set forth in NRS 571.250.

Sec. 49. NAC 571.100, 571.662 and 571.666 are hereby repealed.

TEXT OF REPEALED SECTIONS

571.100 Livestock for use in rodeo. (NRS 571.120, 571.210) A person shall not ship, transport or otherwise move livestock into Nevada for use in a rodeo unless:

1. Each animal is accompanied by a health certificate and an entry permit;

2. Cattle and bison react negatively to a test for brucellosis within the 12 months before the date of entry into Nevada; and

3. Roping steers and fighting cattle imported from Mexico react negatively to a test for tuberculosis within the 12 months before the date of entry into Nevada.

571.662 Additional testing after bull receives positive test result to official test for trichomonosis. (NRS 561.295, 571.120, 571.150, 571.170)

1. The owner or lessee of a bull that receives a positive test result to an official test for trichomonosis may request the accredited veterinarian or veterinary technician who performed the test to submit the specimen of the bull which was found to contain trichomonas organisms to an official laboratory to confirm the presence of trichomonas organisms by polymerase chain reaction testing. As a prerequisite to exercising this option, the specimen must arrive at the laboratory within 48 hours after being found to contain trichomonas organisms.

2. If polymerase chain reaction testing determines that the specimen of the bull:

(a) Is positive or inconclusive for Tritrichomonas foetus, the bull will be considered positive for trichomonosis.

(b) Is negative for Tritrichomonas foetus, the bull will be considered negative for trichomonosis.

571.666 Official laboratory: Duties of operator; annual inspection. (NRS 571.120, 571.150)

1. The operator of an official laboratory shall ensure that the laboratory is administered in accordance with official protocol.

2. A laboratory must pass an annual inspection conducted by the Administrator to maintain its status as an official laboratory.

JOE LOMBARDO
Governor

STATE OF NEVADA

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

INFORMATIONAL STATEMENT
LCB File No. R001-23RP1

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 571.

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

Clarifying language regarding required age of brucellosis vaccinations. Language to allow livestock entry into Nevada from neighboring states under emergency evacuation orders. Update import and transportation requirements reflect changes in disease(s) and advancements in diagnostics. Update Trichomoniasis regulations to reflect advancements in diagnostics and disease management and to achieve decreased incidence of this infectious disease in the State.

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 571 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 Department of Agriculture website at agri.nv.gov
- Nevada Public Notice website at https://notice.nv.gov/
- Nevada Legislature Administrative Regulation Notices at https://www.leg.state.nv.us/App/Notice/A/

Workshops were held on March 22, 2022; November 16, 2022; November 17, 2022; July 18, 2024; July 26, 2024. The hearing was held on December 3, 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: Julia Miller-Ketcham, 405 S. 21st St., Sparks, NV 89431, (775) 353-3755, or animalindustry@agri.nv.gov.

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c. The number of persons who:

1. Attended each hearing;
5 attendees

2. Testified at each hearing; and
2 attendees testified.

3. Submitted to the agency written statements.
0 written statements were submitted

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; Jennifer Garrett
2. Telephone number; 775-934-5528
3. Business address; Po Box 1050 Deeth, NV 89803
4. Business telephone number; 775-934-5528
5. Electronic mail address; and hooper.ranch@yahoo.com
6. Name of entity or organization represented. Self / Nevada Producer

1. Name; Lili Wolf
2. Telephone number; 775-758-6405
3. Business address; HC 31 Box 40, Elko, NV 89801
4. Business telephone number;
5. Electronic mail address; wlwolf@rtci.net
6. Name of entity or organization represented. Self / Nevada Producer

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.

The Nevada Department of Agriculture (NDA) released a digital survey via email to industry members and businesses. The survey opened on June 3, 2021 and closed on June 18, 2021. In addition, the survey was posted to the NDA website at www.agri.nv.gov/survey on June 3, 2021. The survey was sent to a total of 6,047 licensed businesses and interested parties in Nevada. A link to all active surveys, including NAC 571, was shared on the NDA's social media pages on June 3, 2021, June 10, 2021, and June 16, 2021. The Nevada Farm Bureau also promoted the survey in their newsletters and social media on June 4, 2021 and June 10, 2021. During the administration of the survey, no requests were made for a printed copy.

In total, the survey received 197 responses with a 39% survey completion rate. Persons interested in obtaining the survey results and summary may do so by contacting the Division of Animal Industry at 775-353-3755 or animalindustry@agri.nv.gov.

Summary of Survey Responses:

- What level of negative impact will the proposed changes to NAC 571 have on your business?
  - No Impact: 23 respondents (27.06%)
  - Insignificant Impact: 13 respondents (15.29%)
  - Minor Impact: 17 respondents (20.00%)
  - Moderate Impact: 21 respondents (24.71%)
  - Major Impact: 10 respondents (11.76%)
  - Severe Impact: 1 respondent (1.18%)

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- If enacted would the proposed changes to NAC 571 impact your ability to do business?
  - Yes: 34 (26.98%)
  - No: 41 (32.54%)
  - Maybe: 51 (40.48%)
- Estimate the total annual impact the proposed changes to NAC 571 will have on your business.
  - Reported cost of the proposed changes to NAC 571 on small business by respondents would be between $177,632 and $2,017,368. However, the median cost to individual small businesses would be between $100 and $1,000. In total, 29 respondents (33.7%) reported that there would be no cost due to NAC 571, while 67 respondents (77.9%) reported they would incur costs associated with the proposed regulations. 19 respondents (22%) stated that they would incur costs greater than $5,001. Information on how estimates were determined was not provided by survey respondents.

- 58 respondents answered the survey question of "what level of financial impact would have on their businesses?" Most answered that the financial impact would be none to minimal. Others were uncertain about the financial impact or estimated the impact to be significant.
- 51 respondents answered the survey question "would any operational changes need to be made as a result of the financial impact of the proposed changes?" Most said they would not need to make operational changes, while others indicated that changes would have to be made.

Comments were solicited from the public during both the workshop and hearing.

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.

The proposed regulation language underwent numerous changes throughout the workshop process based on public input and collaborations between the agency and the public and industry. There were no changes made to the final revised proposed regulation prepared by the LCB and were adopted, as presented, on December 3, 2025.

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**
  No anticipated adverse economic effect on regulated businesses
- **Beneficial economic effect on regulated businesses**
  Indeterminate but anticipate beneficial economic effect on regulated business by reducing Trichomoniasis infections Statewide.
- **Immediate economic effect on regulated business**
  No immediate economic effect on regulated business.
- **Long-term economic effect on regulated business**
  Indeterminate but anticipate positive long-term economic effect on regulated business by reducing Trichomoniasis infections Statewide.
- **Adverse economic effect on the public**
  No anticipated adverse economic effect on the public
- **Beneficial economic effect on the public**
  No anticipated beneficial economic effect on the public
- **Immediate economic effect on the public**
  No anticipated immediate economic effect on the public

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- **Long-term economic effect on the public**
  No anticipated long-term economic effect on the public

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

The agency does not anticipate that its ongoing costs to enforce the proposed changes to NAC 571 will increase. The agency anticipates one-time costs of approximately $2,500 to print and mail a notice of the revised regulations to all registered livestock producers and industry partners following adoption of the regulation.

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

Not applicable.

MEETING MINUTES

Of the Nevada Administrative Code (NAC) Chapter 571 Adoption Hearing of the Nevada Department of Agriculture (NDA)

LCB File No. R001-23RP1

The Nevada Department of Agriculture (NDA) held a public meeting on December 3, 2025 beginning at 10:00 a.m. at the following location(s):

Nevada Department of Agriculture
2300 E. St. Louis Avenue
Las Vegas, NV 89104
Phone: (702) 668-4590

Video conference to:
Nevada Department of Agriculture
405 S 21st Street
Sparks, NV 89431
Phone: (775) 353-3601

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445
Phone: (775) 753-1360

Phone and/or video conference via:
Microsoft TEAMS for all interested parties
Meeting Number: 223 908 740 932 3
Access code: ZV6jA67k

Persons in attendance:

- Dr. JJ Goicoechea, State Quarantine Officer
- Doug Farris, Deputy Director
- Chad Sestanovich, Administrator
- Bob Ragar, Deputy Administrator
- Dr. Peter Rolfe, State Veterinarian

- Julia Miller-Ketcham, Administrative Assistant
- Jennifer Garrett in-person Elko NDA office
- Lili Wolf in-person Elko NDA office
- Bailey Ranch via TEAMS
- Luke McClanahan via TEAMS
- Daniel Marlow via TEAMS

I. Call to Order:

The meeting was called to order at 10:00 a.m. by Administrator Chad Sestanovich. Administrator Sestanovich noted that the hearing was being held both in-person and virtually through Microsoft TEAMS and that the hearing had been properly noticed and was being recorded as required by Nevada Open Meeting Law.

Administrator Sestanovich stated that this public meeting was being held to review the proposed language and seek feedback from the public on NAC Chapter 571. Regarding removal of Subsection 2 of NAC 571.065 due to indication of species of family of Cervidae can enter the state when NRS 571.210 prohibits animals declared to be susceptible to chronic wasting disease (CWD). Clarifying language regarding age brucellosis vaccinations are received. Update regulations to allow livestock under emergency evacuation orders in neighboring states safe transport refuge, until conditions allow for safe return to state of origin. Update import and transportation requirements to reflect changes in disease(s) and advancements in diagnostics. Update Trichomoniasis regulations to reflect advancements in diagnostics and disease management, to achieve decreased incidence in the State. A review of the agenda and instructions to participants connecting virtually or via phone as to how to engage in the meeting using the online platform was provided. It was requested that all persons identify themselves by name and any affiliation for the record when providing comment.

II. Public Comment (1st period):

Julia Miller-Ketcham, Administrative Assistant asked if anyone from the public sought to make a comment on the proposed regulations.

- Jennifer Garrett, Thank you to all that have worked on these proposed changes to the current trich regulations. First comment regarding trich testing annually for five consecutive years without any positives. Feels that five years is too long to force yearly testing. Could understand maybe 3 to ensure that all animals tested clean, but five years without any evidence is burdensome without any data supported reasoning. Question as to if limitations put on herds and have test for five years. Would herd be under hold order or disease quarantine for all five years to include the years of clean testing. Are these restricted cattle to be sold only to slaughter and if so, must they be sold to slaughter channels in NV only? Believes that the language needs to be clear on when and which restrictions apply.
- Lili Wolf, Concerned that a request made for a list of those having tested positive was denied as being private information and not public information. Feels that knowing those with multiple positive results would be beneficial to those who may have

bordering fence lines.

III. **Review and Discussion of Proposed Regulations**

Dr. Peter Rolfe, State Veterinarian outlined the Nevada Administrative Code Chapters 571 for proposed amendment.

Public meeting held to review the proposed language and seek feedback from the public on NAC Chapter 571. Regarding removal of Subsection 2 of NAC 571.065 due to indication of species of Cervidae entering the state when NRS 571.210 prohibits animals declared to be susceptible to chronic wasting disease (CWD). Clarifying language regarding age brucellosis vaccinations received. Update regulations to allow livestock under emergency evacuation orders in neighboring states safe transport refuge, until conditions allow for safe return to state of origin. Update import and transportation requirements to reflect changes in disease(s) and advancements in diagnostics. Update Trichomoniasis regulations to reflect advancements in diagnostics and disease management, to achieve decreased incidence in the State.

IV. **Public Comment (2nd period):**

Administrator Sestanovich asked if anyone from the public sought to make a comment on the proposed regulations.

- There were no comments at this time

V. Adjourn

Administrator Sestanovich thanked the hearing attendees for their participation and adjourned the public meeting at 10:41 a.m.

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

Revised LCB File No. R104-20I

January 21, 2022

PROPOSED AMENDMENTS TO NAC CHAPTER 571

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.**
The Nevada Department of Agriculture (NDA) released a digital survey via email to industry members and businesses. The survey opened on June 3, 2021 and closed on June 18, 2021. In addition, the survey was posted to the NDA website at www.agri.nv.gov/survey on June 3, 2021. The survey was sent to a total of 6,047 licensed businesses and interested parties in Nevada. A link to all active surveys, including NAC 571, was shared on the NDA's social media pages on June 3, 2021, June 10, 2021, and June 16, 2021. The Nevada Farm Bureau also promoted the survey in their newsletters and social media on June 4, 2021 and June 10, 2021. During the administration of the survey, no requests were made for a printed copy.

In total, the survey received 197 responses with a 39% survey completion rate. Persons interested in obtaining the survey results and summary may do so by contacting the Division of Animal Industry at 775-353-3709 or animalindustry@agri.nv.gov.

Summary of survey responses:

- What level of negative impact will the proposed changes to NAC 571 have on your business?
  - No Impact: 23 respondents (27.06%)
  - Insignificant Impact: 13 respondents (15.29%)
  - Minor Impact: 17 respondents (20.00%)
  - Moderate Impact: 21 respondents (24.71%)
  - Major Impact: 10 respondents (11.76%)
  - Severe Impact: 1 respondent (1.18%)
- If enacted would the proposed changes to NAC 571 impact your ability to do business?
  - Yes: 34 (26.98%)
  - No: 41 (32.54%)
  - Maybe: 51 (40.48%)

- Estimate the total annual impact the proposed changes to NAC 571 will have on your business.
    - Reported cost of the proposed changes to NAC 571 on small business by respondents would be between $177,632 and $2,017,368. However, the median cost to individual small businesses would be between $100 and $1,000. In total, 29 respondents (33.7%) reported that there would be no cost due to NAC 571, while 67 respondents (77.9%) reported they would incur costs associated with the proposed regulations. 19 respondents (22%) stated that they would incur costs greater than $5,001. Information on how estimates were determined was not provided by survey respondents.
- 58 respondents answered the survey question of "what level of financial impact would have on their businesses?" Most answered that the financial impact would be none to minimal. Others were uncertain about the financial impact or estimated the impact to be significant.
- 51 respondents answered the survey question "would any operational changes need to be made as a result of the financial impact of the proposed changes?" Most said they would not need to make operational changes, while others indicated that changes would have to be made.

2. **The manner in which the analysis was conducted.**
   A statistical analysis of the survey results was compiled and considered along with comments from respondents. While most respondents indicated that the proposed changes would have an impact on their businesses, the majority indicated that the level of financial impact would be none to moderate.

3. **The estimated economic effect of the proposed regulation on small business which it is to regulate, including, without limitation:**
   Of the 85 respondents, 12.94% indicated proposed changes to NAC 571 would have a major or severe impact on their business. Based upon comments provided in the follow up question "how would changes to NAC 571 impact your ability to do business?" 73.02% of the 126 respondents indicated it would have insignificant to no impact to their business.

   The survey asked if the proposed changes to NAC 571 would impact their ability to do business. Of the 126 respondents, 26.98% indicated it would, 32.54% indicated it would not and 40.48% indicated maybe.

   While numerous respondents expressed concern over additional state regulations and fee increases when asked what total annual impact the proposed changes to NAC 571 would have on their business, 33.7% of the 86 respondents indicated minor to no financial impact. 77.9% of respondents indicated they would incur costs between $100 and $1000, while 22% indicated they would incur costs greater than $5,001.

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 considering the establishment of different standards of compliance for small businesses, the agency determined that most of the affected agriculture businesses in Nevada would fall under the small business category of employing less than 150 employees. As the agency continues through

the regulatory adoption process required under the Nevada Administrative Procedure Act, it will consider any other methods to reduce the impact to small businesses that may be proposed.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**
The agency does not anticipate that its ongoing costs to enforce the proposed changes to NAC 571 will increase. The agency anticipates one-time costs of approximately $2,500 to print and mail a notice of the revised regulations to all registered livestock producers and industry partners following adoption of the 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.**
Not applicable.

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.**
The proposed regulations are not duplicative or more stringent than federal, state or local standards.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
While there will be an impact on small businesses as result of adoption of the proposed regulation, the agency concludes that the regulations are reasonable and necessary for the NDA to perform all statutorily mandated duties in control and eradication of diseases in animals. Based upon the survey responses received, the agency can only estimate the percentage of small businesses that may incur a cost greater than $5,001 to be approximately 22%.

I certify that 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 the information contained in the statement was prepared properly and is accurate.

Jennifer Ott

Digitally signed by Jennifer Ott
DN: cn=Jennifer Ott, o=Nevada Department of Agriculture, ou=Director, email=jott@agri.nv.gov, c=US
Date: 2022.01.21 12:07:38 -08'00'

Jennifer Ott
Director
Nevada Department of Agriculture

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R137-23

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

AUTHORITY: § 1, NRS 385.080 and 391A.370.

A REGULATION relating to education; revising the standards for professional development training provided to teachers and administrators employed by a school district or a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations to prescribe the standards for the professional development training provided to teachers and administrators employed by a school district or charter school. (NRS 391A.370) This regulation revises those standards. (NAC 391A.300)

Section 1. NAC 391A.300 is hereby amended to read as follows:

391A.300 1. In developing, implementing and evaluating professional development training for teachers and administrators, a regional training program for the professional development of teachers and administrators, a school district or a charter school of this State, as applicable, must use the standards prescribed in subsection 2.

2. Professional development training for teachers and administrators employed by a school district or a charter school must [~~:~~

~~(a) Provide~~] ***provide*** learning experiences for teachers and administrators that increase the effectiveness of teachers and administrators and improve the results for all pupils [~~;~~] ***and align with the following standards:***

(a) Providing professional learning for each teacher and administrator that is aligned to standards, guidelines and research specific to the role of the teacher or administrator and the content knowledge relevant to that role;

(b) ~~[Occur within learning communities committed to continuous improvement, collective responsibility and alignment with goals;~~

~~(c) Be provided]~~ ***Provision of professional learning*** by ***knowledgeable and*** skillful ~~[leaders]~~ ***facilitators*** who develop capacity within, advocate for and create systems of support for learning by teachers and administrators;

~~[(d) Prioritize, monitor and coordinate resources for teacher or administrator learning;~~

~~(e)]~~ ***(c) Setting the expectation that professional learning ensures that all pupils have access to an education that is rigorous and inclusive of race, gender, ethnicity, language, ability and other aspects of identity;***

(d) Use ***of*** a variety of sources and types of pupil data, teacher or administrator data and other data deemed appropriate to plan, assess and evaluate learning by teachers and administrators;

~~[(f) Integrate theories, research and models of human learning to achieve the outcome intended;~~

~~(g) Apply research on change and sustain support for implementation of learning by teachers and administrators for long-term change;~~

~~(h) Align outcomes with the performance of a teacher or administrator and curriculum standards required for a pupil;~~

~~(i)]~~ ***(e)*** Focus on equitable access, opportunities and outcomes with an emphasis on achievement and disparity of opportunities between groups of pupils; ~~[and~~

~~(j) Facilitate~~] ***(f) Use of learning theories in the design of learning and match appropriate learning designs to teacher and administrator learning goals;***

(g) Sustaining learning through opportunities for practice, feedback and follow-up;

(h) Focusing professional learning skills and knowledge needed to implement high-quality curriculum, instructional materials and aligned assessments;

(i) Creating and supporting a culture where professional learning connects to opportunities for and access to a rigorous education for each pupil; and

(j) Facilitating the self-examination by a teacher or administrator of his or her awareness, knowledge, skills and actions that pertain to culture and how he or she can develop culturally responsive strategies to enrich educational experiences for all pupils.

Joe Lombardo
Governor

Dr. Victor
Wakefield
Superintendent of
Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
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Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

December 15, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation is critical for improving professional development standards for teachers and administrators.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.
   There was no public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 Hearing: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.** Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.
   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 8/13/25 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation on November 12, 2025. No changes were requested and it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R137-23 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:06AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 391A.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 391A.370 states that "*the State Board shall adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school".*

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation revises professional development standards.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NEVADA DEPARTMENT OF EDUCATION
Public Workshop
August 13, 2025
2:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Silver Ore Conference Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.XXX - To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience** *(For possible action)*
   The proposed changes seek to clarify language.
   - Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

4. **2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 391A.300 - To Prescribe Professional Development Training Standards for Teachers and Administrators** *(For possible action)*
   The proposed changes seek to clarify language.
   - Jeff Briske, Director, Office of Educator Effectiveness and Family Engagement

5. **2:04 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.460 – 388.488 - To Remove Language Tied to Program for Persons With Disabilities With Unique Needs Already Removed in Statute** *(For possible action)*
   The proposed changes seek to remove language already repealed in statute.
   - Julie Bowers, Director, Office of Comprehensive Student Services

6. **2:06 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.435- To Clarify and Update Language Regarding Gifted and Talented Pupils** *(For possible action)*
   The proposed changes seek to update language.
   - Lara O'Mara, Education Programs Professional, Office of Comprehensive Student Services

7. **PUBLIC COMMENT #2**
   Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

8. **ADJOURNMENT**

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



Southern Nevada Office
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Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF NEVADA
STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** via Livestream Link and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

2:02 PM Workshop to Solicit Comments on Proposed Amendments to NAC 391A.300– Prescribing standards for professional development training provided to teachers and administrators employed by a school district or charter school.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meetings Material Page, by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
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STATE OF NEVADA
STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: June 14, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to **NAC Chapter 391A.300**.

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding amendments prescribing standards for professional development training provided to teachers and administrators employed by a school district or charter school is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Steve Canavero
Superintendent of Public Instruction

2024

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

FEBRUARY 26, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2024 REGULATIONS		
R050-24	**389**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions relating to courses **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R089-24	**449**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions of SB 146 (2023) and SB 298 (2023) relating to health care and health care facilities **CONTACT Kelli Knutzon (775) 684-5850** **kknutzon@health.nv.gov**
R094-24	**389/394**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to school accreditation **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R110-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions for the evaluation of language and literacy skills **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R111-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to pupils with a visual impairment **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R123-24	**445A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION establishing and revising provisions relating to financial assistance for water projects **CONTACT Sheryl Fontaine (775) 687-9374** **sfontaine@ndep.nv.gov**

R134-24	**686B**	**COMMISSIONER OF INSURANCE** A REGULATION establishing provisions relating to reports required of providers of dental insurance **CONTACT Rhonda Kelly (702) 486-4060** **rlkelly@doi.nv.gov**
R184-24	**451**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions governing nontransplant anatomical donations organizations that procure a human body or part in this State **CONTACT Kelli Knutzon (775) 684-5850** **kknutzon@health.nv.gov**
R195-24	**319/489**	**ADMINISTRATOR OF THE HOUSING DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to housing **CONTACT Colleen Platt (775) 848-2810** **cplatt@plattlawgroupreno.com**
R196-24	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to assessments of reading proficiency **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R197-24	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to treatment with narcotics **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R203-24	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to licensure requirements **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R204-24	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to schedule I drugs **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R205-24	**477**	**STATE FIRE MARSHAL** A REGULATION revising various provisions relating to fire protection **CONTACT Connie Etchison (775) 684-7525** **cetchison@dps.state.nv.us**

R050-24

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R050-24

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

AUTHORITY: § 1, NRS 385.080, 389.0095 and 389.021.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils for placement in more rigorous courses in certain academic subjects; requiring the board of trustees of a school district and the governing body of a charter school to submit an annual report concerning any academic subjects for which sufficient financial resources were not available to establish a more rigorous course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) designates mathematics, English language arts, science and social studies as core academic subjects; and (2) requires the State Board of Education to adopt regulations requiring each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in those subject areas. (NRS 389.0095, 389.018) This regulation requires the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses. This regulation requires any such plan to: (1) provide for the identification of pupils using certain examinations and pupil performance data; (2) prescribe procedures to ensure compliance with certain statutory requirements; and (3) with certain exceptions, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in that course.

Under existing law, if a pupil is identified for placement in a more rigorous course and such a course is offered at the public school in which the pupil is enrolled, the pupil must be placed in the more rigorous course unless the parent or guardian submits to the principal of the public school in which the pupil is enrolled a written notice of his or her objection to such placement. (NRS 389.0095) This regulation provides that, if the parent or guardian of a pupil who is identified for placement in a more rigorous course submits such an objection, the principal must arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that

placing the pupil in the more rigorous course is not in the best interests of the pupil, this regulation prohibits placing the pupil in the more rigorous course.

Existing law requires the board of trustees of a school district and the governing body of a charter school to establish a more rigorous course in a core academic subject if: (1) there are a sufficient number of pupils identified for placement in the more rigorous course to warrant the establishment of the course; and (2) the school district or charter school has sufficient financial resources to establish the course. (NRS 389.0095) This regulation requires the board of trustees of a school district or the governing body of a charter school to prepare and submit to the Superintendent of Public Instruction an annual report that includes, for each subject area for which the board of trustees or governing body determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that enrolls pupils in grades 3 to 12, inclusive, shall establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses, including, without limitation, advanced placement courses, international baccalaureate courses, honors courses, dual credit courses and other college preparatory courses in mathematics, English language arts, science and social studies.

2. Each plan established pursuant to subsection 1 must:

(a) Provide for the identification of pupils for placement in more rigorous courses using:

(1) Criterion-referenced examinations administered pursuant to NRS 390.105 or norm-referenced, nationally recognized examinations; and

(2) Pupil performance data, including, without limitation, observations of the performance of pupils, the work product of pupils and any other tangible demonstrations of the performance of pupils;

(b) Prescribe procedures to ensure compliance with subsections 2 and 3 of NRS 389.0095; and

(c) Except as otherwise provided in subsection 3, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in the more rigorous course if such a course is available.

3. If the parent or guardian of a pupil who is identified for placement in a more rigorous course submits to the principal of the school in which the pupil is enrolled written notice of his or her objection to such placement pursuant to paragraph (b) of subsection 2 of NRS 389.0095, the principal shall arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, the pupil must not be placed in the more rigorous course.

4. On or before June 1 of each year, the board of trustees of a school district or the governing body of a charter school shall prepare and submit to the Superintendent of Public Instruction a report concerning compliance with the requirements prescribed by subsection 3 of NRS 389.0095 for the immediately preceding school year. The report must include, for each academic subject for which the board of trustees or governing body, as applicable, determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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December 9, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 389:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation will create vital clarity regarding language for pupils in more rigorous courses.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 ; First Hearing 7/31/24: 20 Second Hearing 11/12/25: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop on 8/13/25 and hearing on 11/12/25.

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 Nevada State Board of Education did not adopt the proposed regulation language at the public hearing held on July 31, 2024. Member Orr moved to approve sending the regulation back for clarification on the language. Member Keyes seconded and the motion passed. The Nevada State Board of Education adopted the proposed regulation with the same language on November 12, 2025. No changes were requested at the second hearing, so it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R050-24P by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:07AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 389.0095 states that "*the State Board shall adopt regulations that require each public school to establish and carry out a plan to identify pupils in grades 3-12… for placement in more rigorous courses in mathematics, English language arts, science, and social studies.*"

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Nevada Department of Education
Nevada State Board of Education
July 31, 2024
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. To provide public comment or testimony telephonically, dial (312) 584-2401 on the date of the meeting. When prompted, provide Meeting ID 324 939 7, and then press #. When prompted for a Participant ID, press #. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates
    - School Year 2024-2025
    - Educator Celebration
    - Nevada System of Higher Education (NSHE) Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates
    - UNR Summer Literacy Institute
    - Portrait of a Nevada Learner
    - Early Childhood Grants

6. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Private School New Licenses and Renewals
    b. Possible Approval of Proposed K – 12 Computer Science Instructional Materials Appeals 2024
    c. Possible Approval of Proposed K – 12 Mathematics Instructional Materials Appeals 2024
    d. Possible Approval of Proposed K – 12 Health Instructional Materials Appeals 2024
    e. Possible Approval of Dual Credit Request: Clark County School District, in partnership with University of Nevada, Las Vegas
    f. Possible Approval of Dual Credit Request: Nevada State High School, in partnership with the College of Southern Nevada, Great Basin College, Truckee Meadows Community College, Western Nevada College, the University of Nevada Las Vegas, and the University of Nevada Reno
    g. Possible Approval of Commission on Professional Standard in Education Regulation R012-24P
    h. Possible Approval of Commission on Professional Standard in Education Regulation R008-24P
    i. Possible Approval of Nevada State Assessment System
    j. Possible Approval of June 12, 2024, Board Minutes
    k. Possible Approval of the High School Start Time Survey

7. **Information and Discussion Regarding the Nevada Secretary of State's Student Mock Elections** *(Information and Discussion)*
   The Board will hear a presentation from the Deputy Secretary for Elections regarding the student mock elections program available for teachers and school districts to promote civic involvement for our youth.
    - Francisco V. Aguilar, Nevada Secretary of State
    - Mark Wlaschin, Nevada Deputy Secretary of State for Elections
    - Andrew Cirincione, Representative from the Youth Advisory Task Force

8. **9:30 AM Public Hearing to Solicit Comments on Proposed Regulation R099-23P Relating to the Adult and Regular High School Diploma** *(Information, Discussion, and for Possible Action)*
   The Board will consider the proposed regulation revising certain eligibility and course requirements for graduation from public high school.
    - Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

9. **10:00 AM Public Hearing to Solicit Comments on Proposed Regulation R050-24P related to the identification of pupils for placement in more rigorous coursework** *(Information, Discussion, and for Possible Action)*

   The Board will consider the proposed regulation related to requiring each public school to carry out a plan to identify pupils in grades 3 through 12 for placement in rigorous coursework in mathematics, English language arts, science, and social studies.

- Cindi Chang, Director, Office of Teaching and Learning

10. **10:02 AM Public Hearing to Solicit Comments on Proposed Regulation R131-22P Prescribing Requirements Relating to Planning and Monitoring the Education of Certain Children Who Are Admitted to a Facility Which Provides Residential Treatment for Mental Illness** ***(****Information, Discussion, and for Possible Action)*
    The Board will consider the proposed regulation prescribing requirements around monitoring the education of children admitted to a residential treatment facility.
    - Christy McGill, Deputy Superintendent, Educator Effectiveness and Family Engagement

11. **10:04 AM Public Hearing to Solicit Comments on Proposed Regulation R092-24 Pursuant to the change NRS 389.160 Amending NAC 389.488** ***(****Information, Discussion, and for Possible Action)*
    The Board will consider amending the proposed regulation to allow high school students to receive an exemption of one credit of physical education for a competitive individual or group activity or sport.
    - Cindi Chang, Director, Office of Teaching and Learning

12. **Information and Discussion Regarding the Mechanism for Rural Support** *(Information and Discussion)*
    The board will hear a presentation discussing the various assistance offered by multiple offices within the Department of Education and how those aid mechanisms are aimed at supporting teaching and learning in rural school districts.
    - Christopher McAnany, Interim Director, Office for Student and School Supports
    - Julie Bowers, Director, Office of Inclusive Education
    - Kevin Higley, Director, Office of a Safe and Respectful Learning Environment

13. **Information and Discussion Regarding the Teacher Exit/Transfer Survey** *(Information and Discussion)*
    The Board will hear a presentation providing an overview of the educator survey project including information about the Teacher Exit/Transfer Survey relative to participation, response rates, and a general overview of the responses. Additionally, the Board will receive an update on the status of the Working Conditions Survey being piloted in July.
    - Kathleen Galland-Collins, Assistant Director, Office of Educator Development, Licensure, and Family Engagement

14. **Future Agenda Items** *(Information and Discussion)*
    - Successful outcomes achieved by the State Board of Education
    - Commission on School Funding Tracking
    - Dual Credit Programs by NSHE
    - Emergency Special Education license
    - Proposed Changes to the Developmental Delay Age Requirements
    - Read By Grade 3

15. **Public Comment #2**
    Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

16. **Adjournment**

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

July 31, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R050-24.

The State Board of Education will hold a public hearing **at 9:02 A.M.** on **Wednesday, July 31, 2024,** at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 390.320 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue 389.160.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:**

   To ensures pupils are identified for placement into more rigorous courses by requiring each public school to carry out a plan to identify pupils in grades 3 through 12 for placement in rigorous coursework in mathematics, English language arts, science, and social studies.

2. **If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.**

3. **Description of the proposed regulation, or the subjects and issues involved:** The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation**: No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local**

governmental agencies: There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Nevada Department of Education webpage, by contacting the Department of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before July 30, 2024. A record of all submitted comments will be retained, and the Department of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board of Education, and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NEVADA DEPARTMENT OF EDUCATION
February 9, 2024
1:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **1:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 390.XXX – REGULATIONS LIMITING TIME TAKEN FROM INSTRUCTION TO CONDUCT, AND NUMBER OF, ASSESSMENTS; WAIVER.** *(For possible action)*
   The proposed changes seek to incorporate comments from a year of engagement with districts and draft language.
   - Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. **1:10 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 387.013- 153; NAC CHAPTER 387.XXX; NAC CHAPTER 389.034-040; NAC 389.445-700; AND NAC CHAPTER 389.XXX – RELATING TO SCHOOL CALENDARS, CREDIT HOURS, INSTRUCTIONAL TIME AND RELATED MEASURES.** *(For possible action)*
   The proposed changes seek to open to comment for amendments related to school calendars, credit hours, instructional time, and related measures.
   - Amelia Thibault, Director, Office of Division Compliance

5. **1:15 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NAC CHAPTER 389.800 – GENERAL REQUIREMENTS FOR CTE PROGRAM.** (For possible action)
   The proposed changes seek to make CTE more inclusive and accessible.
   - Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

6. **1:20 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 388.141 - VISUAL IMPAIRMENT ELIBILITY CRITERIA; NAC CHAPTER 388.395; AND NAC CHAPTER 388. XXX – LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF, HARD OF HEARING, BLIND, OR VISUALLY IMPAIRED.** *(For possible action)*
   The proposed changes seek to update visual impairment eligibility.
   - Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

7. **1:25 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 389.488 – EXEMPTION AND CREDIT OPTIONS FOR PHYSICAL EDUCATION.** *(For possible action)*
   The proposed changes seek improve credit options for physical education.
   - Cindi Chang, Director, Office of Teaching and Learning

8. **1:30 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 389.445 – REQUIREMENTS FOR PROMOTION TO HIGH SCHOOL AND CHAPTER 390.320 – PLACEMENT OF PUPILS IN MORE RIGOROUS COURSES.** *(For possible action)*
   The proposed changes seek to change requirements for promotion to high school and to improve criterion-referenced examinations based on contents standards pursuant to NRS 389.520.
   - Cindi Chang, Director, Office of Teaching and Learning

9. **1:35 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 389.672 – ACADEMIC CREDIT FOR COURSES OF STUDY IN CAREER AND TECHNICAL EDUCATION: PERIODIC REVIEW AND APPROVAL OF EACH COURSE; NAC 389.672 ACADEMIC CREDIT FOR A COURSE OF STUDY IN CAREER AND TECHNICAL EDUCATON: LIMITATIONS AND PREREQUISTIES.** *(For possible action)*
   The proposed changes seek to modify the language to align with state academic standards.
   - Cindi Chang, Director, Office of Teaching and Learning

10. **1:40 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NAC CHAPTER 389.555 – EMPLOYABILITY SKILLS FOR CAREER READINESS.** *(For possible action)*
    The proposed changes seek to remove certain language and add language regarding the Board of Education.
    - Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

11. **1:45 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NAC CHAPTER 391.XXX – WORK-BASED LEARNING.** *(For possible action)*
    The proposed changes seek to be more inclusive of industries for work-based learning.
    - Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

12. 1:50 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO DRAFT REGULATION R099-23 – ADULT AND REGULAR HIGH SCHOOL DIPLOMA. *(For possible action)*

The proposed changes revise certain eligibility and course requirements for graduation from public high school.

- Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

13. 2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 388.XXX– TEACHER ACADEMY COLLEGE PATHWAY PROGRAM CURRICULUM. *(For possible action)*

The proposed changes concern the curriculum for the Teacher Academy College Pathway Program.

- Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

14. 2:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 390.117– ATTENDANCE AT ADULT HIGH SCHOOL PROGRAM FOR TEST PREPARATION. *(For possible action)*

The proposed changes seek to clarify the language concerning when a person under the age of 18 passes the high school equivalency and when they can attend an adult high school program.

- Nancy Olsen, Education Programs Supervisor, Office of Career Readiness, Adult Learning, and Education Options.

15. 2:10 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC CHAPTER 390.135– PRESCRIBED ASSESSMENTS; MINIMUM PASSING SCORES; HIGH SCHOOL EQUIVALENCY. *(For possible action)*

The proposed changes seek to clarify the language concerning minimum passing scores.

- Nancy Olsen, Education Programs Supervisor, Office of Career Readiness, Adult Learning, and Education Options.

16. 2:20 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 391A.300 – PROFESSIONAL DEVELOPMENT OF TEACHERS AND ADMINISTRATORS. *(For possible action)*

The proposed changes seek to improve professional development standards for teachers and administrators.

- Kathleen Galland-Collins, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement.
- Anabel Sanchez, Education Programs Professional, Office of Educator Development, Licensure, and Family Engagement.

17. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

18. ADJOURNMENT

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **February 9, 2024** via YouTube and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:30 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.445; Requirements for Promotion to High School; NAC Chapter 390.320 Placement of Pupils in more Rigorous Courses.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **February 8, 2024 .**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 23, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.445 Requirements for Promotion to High School; NAC Chapter 390.320 Placement of Pupils in more Rigorous Courses.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding high school courses is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

R089-24

ADOPTED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R089-24

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

AUTHORITY: §§ 1, 2, 4-15, 18, 20, 22-49, 53, 54, 63-81 and 83-89, NRS 449.0302; § 3, NRS 449.0302 and 449.165; § 16, NRS 449.0302 and 449.040; §§ 17 and 19, NRS 449.0302 and 449.050; § 21, NRS 449.0302, 449.0303, 449.0305 and 449.050; §§ 50-52, Sections 60 and 79 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at pages 941 and 949; §§ 55-62, Section 13 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 920; § 82, Section 9 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 918.

A REGULATION relating to health care; revising requirements relating to the training of the staff of certain facilities and other entities; revising provisions concerning the confidentiality of certain documents; revising provisions governing the licensing and operation of medical facilities, facilities for the dependent and programs of hospice care; removing certain provisions relating to halfway houses for persons recovering from alcohol or other substance use disorders; revising the agency to which certain reports are submitted; revising required qualifications for certain administrators, employees and independent contractors; revising provisions governing the operation of intermediary service organizations; repealing certain provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the licensing and operation of medical facilities, facilities for the dependent, programs of hospice care and employment agencies that provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home. (NRS 449.0302, section 9 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 918) Existing law also requires the Board to adopt regulations governing the certification of intermediary service organizations. (Section 79 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 949)

Sections 2, 4, 24, 26, 30, 32, 33, 49, 51, 52, **54, 59, 60, 63, 65, 68, 71, 77, 78 and 82** of this regulation require operators and staff members of certain facilities and providers of services who are required by existing regulations to receive training or to be certified in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation to: (1) be certified

in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation, as applicable; and (2) fulfill the requirements of certification by completing interactive, hands-on skills training or skills verification, whether in person or through virtual or electronic instruction that is not prerecorded. **Section 88** of this regulation establishes a period of 180 days after the effective date of this regulation during which such an operator, staff member or provider whose certification in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation does not meet the requirements of **section 2** may continue in his or her current position. **Sections 52 and 53** of this regulation remove references to a repealed section of NRS. **Sections 56, 57 and 83** of this regulation update certain statutory references. **Sections 66, 67, 72 and 84** of this regulation update provisions relating to physicians and physician assistants to reflect that physicians and physician assistants are licensed by both the Board of Medical Examiners and the State Board of Osteopathic Medicine. **Sections 47, 69 and 70** of this regulation update the names of certain organizations to reflect the current names of those organizations. **Section 82** requires an attendant of an employment agency to provide nonmedical services to complete certain training which concerns recognizing and preventing the abuse of older persons and vulnerable persons.

Section 3 of this regulation provides that certain documents and information considered by the Health Care Purchasing and Compliance Division of the Nevada Health Authority as the result of an inspection or investigation of a facility are generally confidential. **Section 3** also establishes when such documents become public records. **Section 4** requires a mental health technician or psychiatric technician at a medical facility, facility for the dependent, home for individual residential care or referral agency to possess certain qualifications within 1 year after the date on which the mental health technician or psychiatric technician begins employment or otherwise begins providing services. For that purpose, **section 88** deems a mental health technician or psychiatric technician who is employed on the effective date of this regulation to have commenced such employment on that date.

Section 5 of this regulation requires a medical facility or facility for the dependent, when transferring a patient, resident or client with any potentially transmissible infectious organism, to follow certain procedures for notifying the receiving facility of the condition of the patient, resident or client.

Section 6 of this regulation establishes certain rights relating to visitation for a resident of a facility for the dependent. **Section 7** of this regulation requires a facility for the dependent to establish written policies and procedures regarding the rights of residents to receive visitors, including reasonable clinical and safety restrictions on visitation. **Sections 35 and 81** of this regulation make conforming changes to eliminate duplicative language regarding visitation in existing regulations. **Section 75** of this regulation requires a facility for skilled nursing to comply with certain federal regulations relating to the visitation of patients.

Section 8 of this regulation: (1) authorizes a home for individual residential care to use volunteers to supplement the services and programs offered by the home; and (2) requires such a volunteer to comply with certain standards and requirements applicable to paid staff members. **Section 29** of this regulation makes a conforming change to indicate the proper placement of **section 8** in the Nevada Administrative Code.

Sections 9 and 10 of this regulation define certain terms relating to residential facilities for groups. **Section 11** of this regulation requires a residential facility for groups to incorporate any services provided to a resident from a home health agency or hospice care into the person-centered service plan developed for the resident. **Sections 12, 13 and 15** of this regulation prescribe the conditions under which a residential facility for groups is authorized to admit a resident who has: (1) a peripherally inserted central catheter; or (2) a peritoneal dialysis catheter. **Section 12** also prohibits a residential facility for groups from allowing a resident to have a peripherally inserted central catheter inserted at the facility. **Sections 15 and 80** of this regulation update information relating to certain publications that have been previously adopted by reference. **Sections 31 and 35** of this regulation make conforming changes to indicate the proper placement of **sections 9-13** in the Nevada Administrative Code.

Sections 14 and 62 of this regulation authorize an attendant of an agency to provide personal care services in the home who has received training in the administration of medications to assist a client with the administration of medication or dietary supplements under certain circumstances. **Section 14** also requires an administrator of an agency to provide personal care services in the home to: (1) develop a program to provide training to attendants in the administration of medication; and (2) keep certain records relating to medication. **Section 55** of this regulation makes a conforming change to indicate the proper placement of **section 14** in the Nevada Administrative Code. **Sections 79, 85 and 86** of this regulation require training in the administration of medication that is provided to a natural person responsible for the operation of a provider of community-based living arrangement services, an employee of a provider of community-based living arrangement services or an attendant of an agency to provide personal care services in the home to meet the same requirements as training for caregivers who assist residents of residential facilities for groups in the administration of medication. (Sections 9-16 of LCB File No. R043-22) **Sections 61 and 62** of this regulation authorize an attendant of an agency to provide personal care services in the home to perform certain tasks.

Sections 16 and 77 of this regulation revise the required contents of an application for a license to operate a medical facility, facility for the dependent or program of hospice care and a provisional license to provide community-based living arrangement services, respectively. **Section 17** of this regulation makes certain technical changes concerning the notification of the Division when the administrator of a medical facility, facility for the dependent or program of hospice care changes.

Assembly Bill No. 403 of the 2023 Legislative Session removed halfway houses for persons recovering from alcohol or other substance use disorders from the types of facilities licensed and regulated by the Division. (Sections 1 and 3 of Assembly Bill No. 403, chapter 255, Statutes of Nevada 2023, at page 1733 (NRS 449.0045, 449.03075)) **Sections 19-21 and 89** of this regulation make conforming changes to remove provisions governing halfway houses from the Nevada Administrative Code.

Section 21 also revises the circumstances under which the holder of a license to operate a medical facility, facility for the dependent, program of hospice care, employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential treatment facility or referral agency is required to apply for a new license in order to reflect certain changes at the facility, program, agency or center, as applicable. **Section 21** also

establishes fees to increase the number of beds in a psychiatric residential treatment facility or a recovery center. **Section 22** of this regulation removes language unnecessarily adopting certain federal regulations by reference. **Sections 23, 27 and 73** of this regulation revise certain requirements for handling clean linens at a facility for the treatment of alcohol or other substance use disorders, a facility for modified medical detoxification and a community triage center, respectively, by removing references to ironing clean linens. **Section 25** of this regulation updates the name of the Bureau of Health Care Quality and Compliance of the Division to reflect the current name of the Bureau.

Sections 28, 34 and 50 of this regulation remove requirements that a telephone number of a facility for transitional living for released offenders, a residential facility for groups or an intermediary service organization, respectively, be listed in the telephone directory. **Section 34** also clarifies that a telephone made available for the use of the residents of a residential facility for groups to make local calls may be a cellular telephone. **Section 32** revises the circumstances under which a residential facility for groups is required to make certain personnel files available to the Bureau for review.

Existing law requires certain providers of health care and the personnel of certain health facilities to report the abuse, neglect, isolation or exploitation of a resident to any of certain governmental entities. (NRS 200.5093) **Sections 36, 52 and 58** of this regulation update certain provisions of the Nevada Administrative Code to reflect the full scope of that reporting requirement.

Sections 37, 40-44 and 46 of this regulation revise certain provisions governing the admission and retention of residents at a residential facility for groups. **Section 89** repeals: (1) requirements for the administrator of a residential facility for groups to make certain information available in writing upon the request of any person; and (2) existing regulations that are duplicative of the revisions in **section 37** relating to admission and retention. (NAC 449.2704, 449.271) **Section 45** of this regulation makes a conforming change to remove a reference to a provision repealed by **section 89**.

Existing law requires a residential facility for groups to follow certain procedures before and during the transfer or involuntarily discharge of a resident. (NRS 449A.114, 449A.282) **Sections 38 and 39** of this regulation add references to clarify the applicability of those provisions of existing law. **Section 39** also eliminates duplicative provisions in existing regulations relating to the discharge of a resident.

Section 48 of this regulation implements existing law which requires the Division to authorize a certified nurse-midwife to perform a physical examination and obtain a medical history of a patient before or after the patient is admitted to a hospital for the purpose of giving birth. (NRS 449.0302)

Existing law requires the administrator of a facility for skilled nursing to be licensed by the Board of Examiners for Long-Term Care Administrators. (NRS 449.187) **Section 74** of this regulation removes a duplicative provision in existing regulations relating to such licensure. **Section 58** revises the qualifications required for the administrator of an agency to provide personal care services in the home.

Section 76 of this regulation revises: (1) the membership of a committee required to review certain patient records of a home health agency; and (2) the circumstances under which a

home health agency with branch offices may establish one committee to review cases from multiple branch offices.

Existing law requires the Division to: (1) certify or deny certification of detoxification technicians or any facilities or programs for alcohol or other substance use disorders; and (2) publish a list of certified technicians, facilities or programs. Under existing law, any technicians, facilities or programs that are not certified are ineligible to receive certain state and federal money. (NRS 458.025) **Section 89** repeals an existing requirement that the Division automatically deny an application for a license or suspend or revoke the license of a facility for the treatment of alcohol or other substance use disorders if the facility is not certified. (NAC 449.079) **Section 89** also repeals a definition of "psychiatric residential treatment facility" that is duplicative of an identical definition in the Nevada Revised Statutes. (NRS 0.024, 449.1195; NAC 449.411) **Sections 18 and 64** of this regulation make conforming changes to remove references to the repealed definition.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. ***1. A person who is required by this chapter to be certified in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation may complete any training, course or program to become certified or to renew certification, as applicable, through:***

(a) In-person instruction only;

(b) A combination of in-person instruction and virtual or electronic instruction, if interactive, hands-on skills training or skills verification is provided in person; or

(c) Virtual or electronic instruction only, if interactive, hands-on skills training or skills verification is not prerecorded.

2. If a certificate is earned in accordance with the requirements of subsection 1, the Division shall accept a certificate issued by the American Red Cross, the American Heart

Association, the Health and Safety Institute or another similar nationally recognized organization as proof of certification or renewal of certification.

Sec. 3. *1. Except as otherwise provided in this chapter or by law, the following are confidential:*

(a) Any inspection of a facility conducted pursuant to this chapter or chapter 449 of NRS and all documents and other information compiled as the result of such an inspection;

(b) A complaint filed with the Division and any documents or other information filed with the complaint; and

(c) All documents and other information compiled as the result of an investigation conducted by the Division into a complaint or to determine whether to initiate administrative sanctions against a person or facility.

2. A notice of deficiencies issued pursuant to NAC 449.99856 becomes a public record once it is no longer confidential pursuant to subsection 4 of NAC 449.99856.

3. All documents and other information considered by the Division in issuing a notice of deficiencies pursuant to NAC 449.99856 become public records after:

(a) The plan of correction is no longer considered confidential pursuant to subsection 4 of NAC 449.9987; and

(b) The documents and other information are no longer considered confidential pursuant to any other state or federal law or regulations.

Sec. 4. *1. A facility licensed pursuant to the provisions of this chapter and chapter 449 of NRS shall not employ or otherwise allow a person to provide services as a mental health*

technician or psychiatric technician except in accordance with the requirements of subsections 2, 3 and 4.

2. A mental health technician or psychiatric technician described in subsection 1 must:

(a) Have held a license as a mental health technician or psychiatric technician issued by the District of Columbia or any state, territory or possession of the United States that was valid within the 5 years immediately preceding the date of employment or engagement in the provision of services at a facility in this State; or

(b) Not later than 12 months after the date on which he or she is employed or otherwise begins to provide services as a mental health technician or psychiatric technician:

(1) Have an associate degree or higher degree in psychology from a college or university that was, at the time the degree was awarded:

(I) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant such degrees; or

(II) A foreign college or university deemed to be equivalent to sub-subparagraph (I) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, or its successor organization;

(2) Hold current certification from the American Association of Psychiatric Technicians, or its successor organization, at Level 2 or higher;

(3) Hold a current license as a mental health technician or psychiatric technician issued by the District of Columbia or any state, territory or possession of the United States;

(4) Have completed the vocational and educational program described in NRS 433.279; or

(5) Have a high school diploma or general equivalency diploma and have completed a course or combination of courses that includes, without limitation:

(I) At least 30 hours of instruction in crisis prevention and crisis intervention from the American Crisis Prevention and Management Association or another similar nationally recognized agency, governmental entity or educational institution that provides such instruction; and

(II) At least 8 hours of instruction in behavioral violence from the American Crisis Prevention and Management Association or another similar nationally recognized agency, governmental entity or educational institution that provides such instruction.

3. A mental health technician or psychiatric technician described in subsection 1 must be supervised by a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a registered nurse.

4. Within 30 days after a mental health technician or psychiatric technician described in subsection 1 is employed or otherwise begins providing services at a facility, the mental health technician or psychiatric technician must be certified in first aid and cardiopulmonary resuscitation in accordance with the requirements of section 2 of this regulation.

5. As used in this section, "mental health technician or psychiatric technician":

(a) Means a person who, for compensation:

(1) Administers or performs specific therapeutic procedures, techniques or treatments, excluding medical interventions, for persons with a mental illness or emotional disturbance; or

(2) Applies interpersonal and technical skills:

(I) In the observation and recognition of symptoms of patients with mental illnesses or emotional disturbances and the reactions of such patients;

(II) For the accurate recording of such symptoms and reactions; and

(III) For carrying out treatments authorized by the physician, physician assistant or advanced practice registered nurse of a patient with a mental illness or emotional disturbance.

(b) Does not include a person described in subsection 4 of NRS 433.279.

Sec. 5. *1. A medical facility or facility for the dependent, when transferring a patient, resident or client to another medical facility or facility for the dependent, shall complete and transmit to the receiving facility a form in accordance with subsections 2 and 3 if the medical facility or facility for the dependent is aware or suspects that the patient, resident or client has:*

(a) An infection, colonization or history of positive culture of a multidrug-resistant organism; or

(b) Any other signs or symptoms of a potentially transmissible infectious organism, including, without limitation, signs or symptoms of an infectious disease.

2. A medical facility or facility for the dependent transferring a patient, resident or client as described in subsection 1:

(a) Shall use the most current version of the "Inter-Facility Infection Control Transfer Form for States Establishing HAI Prevention Collaboratives" prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, an inter-facility transfer form developed by the Division or an equivalent form that contains the same information;

(b) If culture reports with susceptibilities are available, shall include a copy of the latest culture reports with susceptibilities with the form described in paragraph (a);

(c) May modify the list of persons described in a "Sending Facility Contacts" section of a form described in paragraph (a) to omit persons who do not have responsibilities that are relevant to the transfer or the condition described in subsection 1 and to include persons with the greatest knowledge of the condition of the patient, resident or client; and

(d) May include any additional information that the medical facility or facility for the dependent determines is necessary to ensure the safe transfer of the patient, resident or client.

3. A medical facility or facility for the dependent transferring a patient, resident or client as described in subsection 1 shall transmit the form and information described in subsection 2 to the receiving medical facility or facility for the dependent in a manner that is evident and easily accessible to the receiving facility. A medical facility or facility for the dependent may meet the requirements of this subsection by:

(a) Verbally notifying the receiving facility in advance that the transfer packet contains the form and information described in subsection 2, including the location of the form and information within the transfer packet;

(b) Including the form and information described in subsection 2 within the first 5 pages of the transfer packet; or

(c) If the records including the transfer packet are being transferred electronically, providing to the receiving facility a physical copy of the form and information described in subsection 2 at the time the patient, resident or client is transferred.

4. As used in this section, "transfer packet" means the primary packet of documents provided by a medical facility or a facility for the dependent to a receiving facility in conjunction with the transfer of a patient, resident or client.

Sec. 6. *1. Except as otherwise provided in this section and as limited by any policies developed pursuant to NAC 449.258 or section 7 of this regulation:*

(a) A resident of a facility for the dependent has a right to receive visitors of his or her choosing at any time of his or her choosing or, except where limited by the terms of a guardianship, to deny such visitation, in a manner that does not impose on the rights of another resident.

(b) A facility for the dependent shall allow immediate visitation to a resident by any person who is not denied visitation pursuant to paragraph (a), which may include, without limitation:

(1) The representative of the resident;

(2) Any family member or other relative of the resident; and

(3) Any person who provides health, social, legal or other services to the resident.

2. A facility for the dependent:

(a) Shall inform each resident, any spouse or domestic partner of a resident and any representative of a resident of:

(1) The rights of the resident prescribed by this section; and

(2) The written policies and procedures established pursuant to section 7 of this regulation, including, without limitation:

(I) Each restriction prescribed in those policies and procedures;

(II) The reason for each such restriction; and

(III) The categories of persons to whom each such restriction applies.

(b) Shall not restrict, limit or otherwise deny visitation on the basis of actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

(c) Shall ensure that all visitors enjoy full and equal visitation privileges consistent with the preferences of a resident and the written policies and procedures established pursuant to section 7 of this regulation.

3. As used in this section, "representative of a resident" means:

(a) The legal guardian of a resident; or

(b) A person named as an attorney-in-fact in a power of attorney executed by a resident.

Sec. 7. *1. A facility for the dependent shall develop written policies and procedures regarding the rights of residents to receive visitors. Such policies and procedures must:*

(a) Comply with the provisions of this chapter and chapter 449 of NRS;

(b) Include, without limitation, any reasonable clinical and safety restrictions that the facility imposes on such rights and the reasons for any such restrictions; and

(c) Specifically address visitors who exhibit signs and symptoms of a transmissible infection.

2. The policies and procedures developed pursuant to subsection 1 must include, without limitation:

(a) Restrictions on visitation that are designed to prevent community-associated infection or the transmission of a communicable disease to one or more residents, which must be:

(1) Appropriate for the scope of services provided at the facility;

(2) In accordance with the recommendations of a nationally recognized agency or organization whose work relates to infection control, which may include, without limitation, the Association for Professionals in Infection Control and Epidemiology, Inc., or its successor organization, or the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and

(3) Developed and implemented with consideration of the risk factors for infection and current health status of each resident, including, without limitation, whether a resident is immunocompromised or is receiving hospice care.

(b) Restrictions to ensure the security of the facility at night. Such restrictions must include, without limitation, procedures for allowing visitors approved by the resident or a representative of the resident, subject to the restrictions and procedures prescribed pursuant to paragraphs (a), (c) and (d) and the limitations prescribed in section 6 of this regulation.

(c) Procedures for denying access to a visitor or providing limited and supervised access to a visitor who:

(1) Has been found to bring into the facility any illegal substance which places the health and safety of the residents and staff of the facility at risk; or

(2) Is suspected of abusing, exploiting or coercing a resident, until an investigation into any such allegation can be conducted.

(d) Procedures for denying access to a visitor who:

(1) Has been found to be abusing, exploiting or coercing a resident;

(2) Has been found to have committed theft or other relevant criminal acts; or

(3) Is intoxicated or disruptive.

3. As used in this section, "representative of the resident" has the meaning ascribed to the term "representative of a resident" in section 6 of this regulation.

Sec. 8. *1. A home may not replace any paid staff member of the home with a volunteer, but may use volunteers to supplement the services and programs offered by the home.*

2. Except as otherwise provided in this subsection, a volunteer at a home shall comply with all relevant standards and requirements applicable to a paid staff member who performs a similar function. A volunteer is not required to undergo a physical examination pursuant to paragraph (a) of subsection 3 of NAC 441A.375 if the volunteer provides the results of a tuberculosis screening test conducted pursuant to paragraph (b) of subsection 3 of NAC 441A.375.

3. Except as otherwise provided in this subsection, a resident of a home must be supervised by a paid staff member at all times during the normal operating hours of the home. A volunteer may temporarily supervise a resident when a paid staff member is away from the home, if the volunteer:

(a) Is able to meet the needs of the resident during the time the paid staff member is away; and

(b) Does not supervise a resident for more than 4 hours in 1 day or more than 12 hours in 1 week.

4. As used in this section:

(a) "Paid staff member" means an employee of a home or an independent contractor who is paid to provide services at a home.

(b) "Volunteer" means any person who, without promise, expectation or receipt of compensation, is used by a home to supplement the services and programs offered by a home.

Sec. 9. *"Bedfast" means:*

1. Incapable of changing his or her position in bed without the assistance of another person; or

2. Immobile.

Sec. 10. *"Home health agency" has the meaning ascribed to it in NAC 449.749.*

Sec. 11. *1. If a resident of a residential facility is receiving services from a home health agency or hospice care or a combination thereof, the residential facility shall incorporate the services into the person-centered service plan developed for the resident.*

2. A residential facility shall not rely on services from a home health agency or hospice care described in subsection 1 to replace the responsibilities of the facility to ensure that services are provided to a resident in accordance with all applicable state and federal laws and regulations. A residential facility may take such services or care into account when developing a person-centered service plan in order to avoid the duplication of services.

Sec. 12. *1. A residential facility shall not allow a resident to have a peripherally inserted central catheter inserted at the residential facility. A resident may have such a catheter inserted outside the residential facility in a health care setting capable of and authorized to insert such a catheter in accordance with all applicable state and federal laws and regulations.*

2. A resident with a peripherally inserted central catheter may be admitted to a residential facility or be permitted to remain as a resident of a residential facility if:

(a) The peripherally inserted central catheter is removed within 45 days after the date on which the catheter was inserted;

(b) During the period of time in which the peripherally inserted central catheter is in use, all intravenous injections given through the catheter and, except as otherwise provided in paragraph (c), all services for care and maintenance of the catheter, including, without limitation, dressing changes and flushing the catheter line, are:

(1) Performed outside the residential facility in a health care setting authorized to provide such services; or

(2) If performed at the residential facility, performed by a home health agency or a program of hospice care authorized to provide such services to the resident; and

(c) The resident, if capable, and the caregivers employed by the residential facility:

(1) Successfully complete training from the home health agency, program of hospice care or other health care setting described in paragraph (b) regarding:

(I) How to keep the dressing clean, dry and secured to the skin of the resident;

(II) How to cover the dressing with a waterproof cover when the resident bathes;

(III) How to identify and respond to basic concerns with the peripherally inserted central catheter, including, without limitation, signs or symptoms of infection, if the dressing becomes soiled or comes off, if the catheter becomes dislodged or any other related concerns; and

(IV) When to contact emergency medical services or notify the home health agency, program of hospice care or other health care setting described in paragraph (b) of concerns identified pursuant to sub-subparagraph (III); and

(2) Review, understand and follow the guidelines of the Association for Professionals in Infection Control and Epidemiology outlined in "Infection Prevention and You: Caring for your PICC line at home," adopted by reference in NAC 449.0105.

3. Nothing in this section shall be construed to authorize a caregiver at a residential facility to provide services that the caregiver is not otherwise authorized by law to provide.

Sec. 13. *1. A resident with a peritoneal dialysis catheter may be admitted to a residential facility or be permitted to remain as a resident of a residential facility if:*

(a) A physician, physician assistant or advanced practice registered nurse determines it is appropriate for the resident to be admitted to or to remain in the residential facility;

(b) The caregivers employed by the residential facility:

(1) Receive instruction regarding, and demonstrate understanding of, how to:

(I) Protect the peritoneal dialysis catheter and prevent the catheter from becoming dislodged, including, without limitation, when the resident bathes and during other activities of the resident; and

(II) Identify and respond to basic concerns with the peritoneal dialysis catheter, including, without limitation, signs or symptoms of infection and the catheter becoming dislodged; and

(2) Receive instruction regarding when to contact emergency medical services or notify the resident's provider of dialysis care and the resident's physician, physician assistant or advanced practice registered nurse of concerns identified pursuant to sub-subparagraph (II) of subparagraph (1) from:

(I) A registered nurse through a home health agency or program of hospice care authorized to provide such services to the resident;

(II) The resident's provider of dialysis care; or

(III) The resident's physician, physician assistant or advanced practice registered nurse; and

(c) The conditions of subsection 2 or 3, as applicable, are satisfied.

2. If a peritoneal dialysis catheter has been inserted for less than 15 days, all services for care and maintenance of the newly placed catheter must be performed by a home health agency or a program of hospice care authorized to provide such services to the resident.

3. If a peritoneal dialysis catheter has been inserted for 15 days or more or the exit site is completely healed:

(a) All services for care and maintenance of the catheter must be performed by a home health agency or a program of hospice care authorized to provide such services to the resident; or

(b) The resident must be capable of performing his or her own services for care and maintenance of the catheter as instructed by:

(1) A registered nurse through a home health agency or program of hospice care authorized to provide such services to the resident;

(2) The resident's provider of dialysis care; or

(3) The resident's physician, physician assistant or advanced practice registered nurse.

Sec. 14. *1. Except as otherwise provided in NAC 449.3978, an attendant may assist in the administration of medication, including, without limitation, an over-the-counter medication or dietary supplement, to a client if:*

(a) The client, his or her parent or guardian or a person named as an attorney-in-fact in a power of attorney executed by the client, as applicable, enters into a written agreement to receive medication from the attendant is accordance with NRS 453.375 and 454.213, if such an agreement is required by those sections;

(b) The attendant has successfully completed the training required by subsection 2 relating to the management of medication; and

(c) The medication has been prescribed or ordered by a practitioner for whom the prescribing or ordering of the medication is within his or her scope of practice and is administered in accordance with the written instructions of that practitioner.

2. If an attendant assists a client in the administration of any medication, including, without limitation, an over-the-counter medication or dietary supplement, the attendant must:

(a) Before assisting a client in the administration of medication, successfully complete not less than 16 hours of training in the management of medication from a course approved by the Division pursuant to section 12 of LCB File No. R043-22 and obtain a certificate attesting to the successful completion of such training; and

(b) Successfully complete annually not less than 8 hours of training in the management of medication from a course approved by the Division pursuant to section 12 of LCB File No. R043-22 and provide the agency with satisfactory evidence of the content of the training and his or her successful completion of the training.

3. The administrator of an agency whose attendants assist clients in the administration of medication shall:

(a) Develop a program to ensure that attendants receive the training required by subsection 2; and

(b) Ensure that the agency maintains a record of the medication administered to each client, including, without limitation, any over-the-counter medication or dietary supplement. The record must include:

(1) The type of medication administered;

(2) The date and time that the medication was administered;

(3) The date and time that a client refuses or otherwise misses an administration of medication; and

(4) Instructions for administering the medication to the client that reflect each current order or prescription of the client's practitioner.

4. As used in this section, "practitioner" has the meaning ascribed to it in NRS 639.0125.

Sec. 15. NAC 449.0105 is hereby amended to read as follows:

449.0105 1. The State Board of Health hereby adopts by reference:

(a) *NFPA 101: Life Safety Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the ~~[code]~~ ***Code*** may be obtained from the National Fire Protection Association at ~~[11 Tracy Drive, Avon,]~~ ***1 Batterymarch Park, Quincy,*** Massachusetts ~~[02322,]~~ ***02169-7471,*** at the Internet address **http://www.nfpa.org** or by telephone at (800) 344-3555, for the price of ~~[$151.50.]~~ ***$176.***

(b) *NFPA 99: Health Care Facilities Code*, in the form most recently published by the National Fire Protection Association, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the ~~[standard]~~ ***Code*** may be obtained from the National Fire Protection Association at ~~[11 Tracy Drive, Avon,]~~ ***1 Batterymarch Park, Quincy,*** Massachusetts ~~[02322,]~~ ***02169-7471,*** at the Internet address **http://www.nfpa.org** or by telephone at (800) 344-3555, for the price of ~~[$111.00.]~~ ***$165.***

(c) *Guidelines for Design and Construction of Hospitals* ***,*** ~~[and Outpatient Facilities,]~~ in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A ***digital*** copy of the ~~[guidelines]~~ ***Guidelines*** may be obtained from the Facility Guidelines Institute at the Internet address **https://shop.fgiguidelines.org** ~~[or by telephone at (800) 798-9296,]~~ for the price of $235.

(d) *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the ~~[guidelines]~~ ***Guidelines*** may be obtained from the Facility Guidelines Institute at the Internet address **https://shop.fgiguidelines.org** ~~[or by telephone at (800) 798-9296,]~~ for the price of $235.

(e) *Guidelines for Design and Construction of Outpatient Facilities*, in the form most recently published by the Facility Guidelines Institute, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of the

~~[guidelines]~~ ***Guidelines*** may be obtained from the Facility Guidelines Institute at the Internet address **https://shop.fgiguidelines.org** ~~[or by telephone at (800) 798-9296,]~~ for the price of $235.

(f) "Infection Prevention and You: Caring for your PICC line at home," in the form most recently published by the Association for Professionals in Infection Control and Epidemiology, unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 2. A copy of that publication may be obtained from the Association for Professionals in Infection Control and Epidemiology, free of charge, at 1400 Crystal Drive, Suite 900, Arlington, VA 22202, at the Internet address https://apic.org/Resource_/TinyMceFileManager/for_consumers/IPandYou_Bulletin_PICC_line.pdf or, if that Internet website ceases to exist, from the Division.

2. The State Board of Health will review each revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for this State. If the Board determines that a revision is not suitable for this State, the Board will hold a public hearing to review its determination within 12 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 16. NAC 449.011 is hereby amended to read as follows:

449.011 An application for a license that is filed with the Division pursuant to NRS 449.040:

1. Must be complete and include proof of the identity of the applicant that is acceptable to the Division.

2. In accordance with NRS 449.050, must be accompanied by the appropriate application fee specified in NAC 449.002 to 449.99939, inclusive ~~[.]~~ ***, and sections 2 to 14, inclusive, of this regulation.***

3. In establishing that the applicant is of reputable and responsible character as required by NRS 449.040, must include ***at least one*** personal ~~[references]~~ ***reference*** and information concerning the applicant's financial status **.** ~~[and business activities and associations in and out of this State during the immediately preceding 3-year period.]~~ If the applicant is a firm, association, organization, partnership, business trust, corporation or company, such references and information must be provided with respect to the members thereof and the person in charge of the facility or program for which application is made.

4. In addition to the information required by NRS 449.040 and any other information specifically required for a particular license, must include:

(a) Full, complete and accurate information regarding the ownership of the facility or program and all changes to that ownership that occur while the application is pending. The information must include the name of:

(1) Each natural person who is an owner of the facility or program;

(2) Each person who has a direct or indirect ownership interest in the facility or program of 10 percent or more and who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured in whole or in part by the facility or program or any of the property or assets of the facility or program;

(3) If the applicant is a corporation, each officer and director; and

(4) If the applicant is a partnership, each partner.

(b) The address of the applicant's principal office.

(c) Evidence satisfactory to the Division that the facility or program meets all applicable federal, state and local laws and complies with all safety, health, building and fire codes. If there are any differences between the state and local codes, the more restrictive standards apply.

(d) If required by NRS 439A.100 ~~[,]~~ ***or 439A.102,*** a copy of a letter of approval issued by the Director of the Department of ~~[Health and]~~ Human Services.

(e) A copy of the certificate of occupancy, ~~[a copy of]~~ the ~~[applicant's]~~ ***business identification number assigned by the Secretary of State, unless the applicant is exempt from the requirement to obtain a state*** business license **,** and a copy of any special use permits obtained in connection with the operation of the facility or program.

(f) A copy of any property lease or rental agreements concerning the facility or program.

~~[(g) If the applicant is a corporation, a copy of its bylaws and articles of incorporation.]~~

5. If the application is for a facility for the care of adults during the day, must include the maximum number of clients allowed to occupy the facility at one time.

6. If the application is for an ambulatory surgical center, must identify the class designation for the ambulatory surgical center designated pursuant to NAC 449.9844. As used in this subsection, "ambulatory surgical center" has the meaning ascribed to it in NAC 449.972.

Sec. 17. NAC 449.0114 is hereby amended to read as follows:

449.0114 1. Upon receipt of a license, the licensee shall display the license at a conspicuous location within the facility.

2. During the term of the license, the licensee shall continuously maintain the facility in conformance with the provisions of NAC 449.002 to 449.99939, inclusive, ***and sections 2 to 14, inclusive, of this regulation*** and chapter 449 of NRS.

3. If there is a transfer of the real property on which the facility is located, but no change in the operator of the facility, the licensee shall, within 10 days, notify the Division of the transfer in writing and provide the Division with a copy of any lease agreement relating to the transfer.

4. If there is a change in the administrator of the facility, the licensee shall notify the Division of the change within ~~[10]~~ ***30*** days. The notification must ***, where applicable,*** provide evidence that the new administrator is currently licensed pursuant to chapter 654 of NRS and the regulations adopted pursuant thereto. If the licensee fails to notify the Division and submit an application for a new license within ~~[10]~~ ***30*** days after the change, the licensee shall pay to the Division ~~[a]~~ ***the fee required for an application for a new license set forth in subsection 1 of NAC 449.0168 and an additional*** fee in an amount equal to ~~[150]~~ ***50*** percent of the fee required for ~~[a new]~~ ***an*** application ***for a new license*** set forth in subsection 1 of NAC 449.0168.

5. A licensee shall notify the Division immediately of any change in:

(a) The ownership of the facility;

(b) The location of the facility;

(c) The services provided at the facility; and

(d) If the facility is a facility for the care of adults during the day, the maximum number of clients allowed to occupy the facility at one time.

Sec. 18. NAC 449.01257 is hereby amended to read as follows:

449.01257 "Psychiatric residential treatment facility" has the meaning ascribed to it in ~~[NAC 449.411.]~~ ***NRS 449.1195.***

Sec. 19. NAC 449.016 is hereby amended to read as follows:

449.016 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities must pay to the Division the following nonrefundable fees:

	Fee per facility	Fee per bed in the facility
(a) A skilled nursing facility	$2,252	$108
(b) A hospital, other than a rural hospital	14,606	110
(c) A rural hospital	9,530	62
(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability	2,018	280
(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability	946	72
(f) Except as otherwise provided in subsection 3, a residential facility for groups	2,386	200

	Fee per facility	Fee per bed in the facility
(g) A facility for the treatment of alcohol or other substance use disorders	782	190
(h) A facility for hospice care	3,988	352
(i) A home for individual residential care	1,764	184
(j) A facility for modified medical detoxification	9,960	494
(k) A community triage center	782	136
(l) A facility for the treatment of irreversible renal disease	4,178	120
(m) ~~[A halfway house for persons recovering from alcohol or other substance use disorders~~	~~2,800~~	~~368~~
~~(n)]~~ A facility for transitional living for released offenders	3,990	146
~~[(o)]~~ ***(n)*** A psychiatric residential treatment facility	9,530	62
~~[(p)]~~ ***(o)*** A recovery center	946	72

2. An applicant for the renewal of such a license must pay to the Division the following nonrefundable fees:

	Fee per facility	Fee per bed in the facility

(a) A skilled nursing facility	$1,126	$54
(b) A hospital, other than a rural hospital	7,303	55
(c) A rural hospital	4,765	31
(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability	1,009	140
(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability	473	46
(f) Except as otherwise provided in subsection 3, a residential facility for groups	1,193	100
(g) A facility for the treatment of alcohol or other substance use disorders	391	95
(h) A facility for hospice care	1,994	176
(i) A home for individual residential care	500	92
(j) A facility for modified medical detoxification	4,980	247
(k) A community triage center	391	68
(l) A facility for the treatment of irreversible renal disease	2,089	60
(m) ~~[A halfway house for persons recovering from alcohol or other substance use disorders~~	~~1,400~~	~~184~~
~~(n)]~~ A facility for transitional living for released offenders	1,995	73

~~[(o)]~~ ***(n)*** A psychiatric residential treatment facility 4,765 31

~~[(p)]~~ ***(o)*** A recovery center 473 46

3. An applicant for a license or for the renewal of a license for a residential facility for groups shall pay a fee of $35 for each bed in the facility if the facility is paid less than $1,000 per month for services provided to each bed in the facility.

4. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which he or she submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

5. Upon the issuance or renewal of a license to operate a facility for the treatment of irreversible renal disease, facility for hospice care, hospital, facility for intermediate care or facility for skilled nursing, the licensee shall pay to the Division a nonrefundable fee equal to 6 percent of the renewal fee set forth in subsection 2. The Division shall use the fees collected pursuant to this subsection during the immediately following fiscal year to support the system for the reporting of information on cancer and other neoplasms.

6. Pursuant to NRS 449.050, if an application for a license to operate a facility for transitional living for released offenders or the renewal of such a license is denied, any amount of a fee paid pursuant to paragraph ~~[(n)]~~ ***(m)*** of subsection 1 or paragraph ~~[(n)]~~ ***(m)*** of subsection 2 that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

Sec. 20. NAC 449.0164 is hereby amended to read as follows:

449.0164 An applicant for the renewal of a license for a residential facility for groups, ~~[a halfway house for persons recovering from alcohol or other substance use disorders,]~~ a home for individual residential care or a facility for transitional living for released offenders may pay the fee required for the renewal of his or her license in two equal installments if:

1. On or before November 1 of the calendar year in which the license expires, the applicant submits a complete application for the renewal of the license which includes, without limitation:

(a) The first installment payment which is equal to one-half the amount of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate;

(b) An additional fee of $100 for the administrative costs of billing and collecting such payments; and

(c) A signed payment agreement and a confession of judgment for the total amount of the second installment payment which may be filed with a court of competent jurisdiction if the applicant fails to make the second installment payment in accordance with the agreement;

2. On or before April 15 of the calendar year for which the license is renewed, he or she submits the second installment payment for the remainder of the fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate; and

3. The applicant has not failed to make a payment in accordance with any other similar agreement.

Sec. 21. NAC 449.0168 is hereby amended to read as follows:

449.0168 1. Except as otherwise provided in subsection 2, a holder of a license to operate a medical facility, facility for the dependent, program of hospice care ***, employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential***

treatment facility or referral agency who wishes or is required pursuant to ~~[NAC 449.190, 449.307, 449.7473 or 449.758]~~ ***any provision of this chapter or chapter 449 of NRS*** to modify his or her license to reflect:

(a) A change in the name of the facility, program or agency;

(b) A change of the administrator of the facility, program or agency;

(c) A change in the number of beds in the facility;

(d) A change ~~[in]~~ ***to an endorsement on*** the ~~[type]~~ ***license*** of ***a residential*** facility ~~[licensed or the addition of another type of facility]~~ ***pursuant*** to ~~[be licensed;]~~ ***NAC 449.2751, 449.2754, 449.2762 or 449.2764;***

(e) A change in the category of residents who may reside at the facility;

(f) A change in the designation of a staging area for a mobile unit or, if the mobile unit is operated by an independent facility, a change in the address of the independent facility; ~~[or]~~

(g) A change in any of the services provided by an agency to provide nursing in the home ~~[,]~~ ***;***

(h) A change in the class designation of an ambulatory surgical center pursuant to NAC 449.9844; or

(i) Any additional location added to a license after the initial location listed pursuant to NRS 449.085,

➥ must submit an application for a new license to the Division and pay to the Division a fee of $250.

2. An applicant who applies for a license pursuant to paragraph (c) of subsection 1 because of an increase in the number of beds in the facility must pay to the Division:

(a) A fee of $250; and

(b) A fee for each additional bed as follows:

(1) If the facility is an intermediate care facility for persons with an intellectual disability or persons with a developmental disability $280

(2) If the facility is a residential facility for groups 184

(3) If the facility is a facility for the treatment of alcohol or other substance use disorders 190

(4) If the facility is a facility for hospice care 352

(5) If the facility is a home for individual residential care 266

(6) If the facility is a facility for modified medical detoxification 494

(7) If the facility is a hospital, other than a rural hospital 110

(8) If the facility is a rural hospital 62

(9) If the facility is a skilled nursing facility 108

(10) If the facility is an intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability 92

(11) If the facility is a facility for the treatment of irreversible renal disease 120

(12) ~~[If the facility is a halfway house for persons recovering from alcohol or other substance use disorders ..... 368~~

~~(13)]~~ If the facility is a facility for transitional living for released offenders 146

(13) If the facility is a psychiatric residential treatment facility 62

(14) If the facility is a recovery center 72

3. If the address of the home office of a home health agency has not changed, a holder of a license to operate a branch office of the home health agency who wishes or is required pursuant to NAC 449.758 to modify his or her license to reflect a change in the address of the branch office of the home health agency must:

(a) Submit an application for a new license to the Division; and

(b) Pay to the Division a fee of $250.

4. A fee paid pursuant to this section is nonrefundable.

5. As used in this section:

(a) "Administrator" means the person who is responsible for the daily management of a medical facility, facility for the dependent ***, outpatient facility, recovery center, psychiatric residential treatment facility*** or program of hospice care.

(b) "Independent facility" has the meaning ascribed to it in NAC 449.9701.

(c) ***"Outpatient facility" has the meaning ascribed to it in NAC 449.999417.***

(d) "Staging area" has the meaning ascribed to it in NAC 449.97018.

Sec. 22. NAC 449.091 is hereby amended to read as follows:

449.091 1. Except in the case of an emergency, the transfer of a client to another facility must not be effected until the client, attending physician, if any, and responsible agency are notified in advance.

2. If a client is transferred to another facility, information required for appropriate continuation of care must be released to the receiving facility in compliance with the standards

set forth in 42 C.F.R. Part 2 . ~~[, which are hereby adopted by reference. A copy of the standards may be obtained from the Division, free of charge, upon request.]~~

Sec. 23. NAC 449.126 is hereby amended to read as follows:

449.126 1. A facility must maintain:

(a) A laundry with equipment which is adequate for the sanitary washing and finishing of linen and other washable goods; or

(b) A written agreement with a commercial establishment to provide laundry services for the facility.

2. The laundry must be situated in an area which is separate from any area where food is stored, prepared or served. The laundry must be well-lighted, ventilated, adequate in size to house the equipment and maintained in a sanitary manner. The equipment must be kept in good repair.

3. Soiled linen must be collected and transported to the laundry in washable or disposable covered containers in a sanitary manner.

4. Clean linen to be dried, ~~[ironed,]~~ folded, transferred or distributed must be handled in a sanitary manner, specified in writing.

5. Closets for storing linen and laundry supplies must be provided and must not be used for any other purpose.

Sec. 24. NAC 449.141 is hereby amended to read as follows:

449.141 1. Facilities must provide access to health services which ensure that each client receives treatment, prescribed medication, adequate diets and other health services consistent with the program administered by the facility.

2. Facilities must implement policies and procedures designed to ensure the early detection of complications or conditions considered to be common among persons with substance use disorders. These policies and procedures must be developed in conjunction with and approved by a licensed physician.

3. Before a client's admission to a program or facility, a general medical and drug history must be taken by a designated member of the staff who is certified or licensed by the Board of Examiners for Alcohol, Drug and Gambling Counselors or who is a licensed mental health professional who has experience with alcohol and drug counseling. Current medical information must be provided on a form that has been approved by a physician. The history must include, but is not limited to:

(a) Drugs used in the past;

(b) Drugs used recently;

(c) Drugs of preference;

(d) Frequently used drugs;

(e) Drugs used in combination;

(f) Dosages used;

(g) Date of first usage;

(h) Incidents of overdose, withdrawal or adverse drug reactions; and

(i) Previous history of treatment.

4. A program may accept medical history and physical examination results from referral sources which were conducted not more than 30 days before admission in lieu of personally taking a general medical and drug history as required pursuant to subsection 3.

5. Each facility must be able to provide directly, or through written arrangements, laboratory tests as requested by a physician or federal regulations.

6. Facilities must implement written policies and procedures that are reviewed by a licensed physician defining the appropriate action to be taken when a medical emergency arises.

7. There must be one staff person in the facility ***who is certified in cardiopulmonary resuscitation, in accordance with the requirements of section 2 of this regulation, and*** who is capable of providing cardiopulmonary resuscitation at all times. ~~[Staff]~~ ***All staff*** members providing cardiopulmonary resuscitation must be ~~[qualified by]~~ ***certified in accordance with*** the ~~[American Red Cross or another recognized agency.]~~ ***requirements of section 2 of this regulation.***

8. Clients of residential programs must undergo a tuberculin skin test that meets the requirements specified in chapter 441A of NAC.

9. Each facility shall maintain and have readily available first-aid supplies. Staff members shall have evidence that they have received training on the use of first-aid supplies.

Sec. 25. NAC 449.15337 is hereby amended to read as follows:

449.15337 1. Each facility shall have a written program outlining short-term and long-term objectives and goals. These goals must be realistic, attainable, and clearly and operationally defined.

2. Each component of the program must develop objectives that complement the goals of the program.

3. The Division shall:

(a) Periodically evaluate the program;

(b) Prepare a report of the evaluation; and

(c) Distribute the report to the persons who manage the program and make the report available to the members of the staff of the facility and the Bureau . ~~[of Licensure and Certification of the Division.]~~

4. The facility shall provide for the medical, dental and psychological services needed to fulfill the goals of the program and meet the needs of all its clients to the extent that is possible, with assistance from available community resources.

5. If a facility provides services through outside sources, formal, written arrangements must be made ensuring that the services are supplied directly by, or under the supervision of, qualified persons.

6. Each facility shall provide case management services as needed by a client through a social worker or a registered nurse or by written agreement with a social worker or a registered nurse.

7. A plan for case management must be recorded in the records of a client and must be periodically evaluated in conjunction with the treatment plan of the client.

8. Each facility shall review its general program at least annually. Areas reviewed must include, without limitation, appropriateness of admissions, lengths of stay, discharge planning, use of services and utilization of the components of the program and outside services. Written reports of the reviews must be evaluated by the governing body, administrator and such committees as they designate. Documentation of the evaluation process must be maintained at the facility.

Sec. 26. NAC 449.15345 is hereby amended to read as follows:

449.15345 1. Each facility shall provide health services which ensure that each client receives treatment, prescribed medication, adequate diets and other health services consistent with the program administered by the facility.

2. There must be policies and procedures designed to ensure the early detection of complications or conditions considered to be common among persons with alcohol or other substance use disorders. The policies and procedures must be developed with assistance from and approved by the medical director of the facility.

3. Before a client is admitted to a facility, a general medical and drug history of the client must be taken by a physician or designated member of the nursing staff of the facility. The history must include, without limitation:

(a) Drugs used in the past;

(b) Drugs used recently;

(c) Drugs of preference;

(d) Frequently used drugs;

(e) Drugs used in combination;

(f) Dosages used;

(g) Date of first usage;

(h) Incidents of overdose, withdrawal or adverse drugs reactions; and

(i) Previous history of treatment.

4. Except as otherwise provided in this subsection, a physical examination and review of the medical and drug history of a client must be conducted by a physician, registered nurse or physician assistant within 48 hours after the client is admitted to a facility. If the assessment

performed by a physician or a member of the nursing staff before a client is admitted to the facility concludes that a physical examination of the client should be completed within less than 48 hours after the client is admitted to the facility to ensure that the needs of the client are met, the physical examination must be conducted within the time recommended in the assessment.

5. Each facility must be able to provide directly, or through written arrangements, laboratory tests as requested by a physician or federal regulations.

6. Referral to an outside health resource must be made only if the resource is able to accept the client. Any records that accompany the client must be either expurgated of any sensitive material or be available only to persons authorized to receive the information under the direction of the physician or administrator. Except where an emergency that threatens a life exists and except as otherwise provided in NAC 449.15329, no information may be released without the prior consent of the client or his or her guardian.

7. Each facility shall have written policies and procedures defining the appropriate action to be taken when a medical emergency arises. The policies and procedures must be reviewed and approved by the medical director of the facility.

8. Each member of the staff of a facility must be ~~[qualified by the American Red Cross or another similar nationally recognized agency]~~ ***certified*** to administer cardiopulmonary resuscitation ~~[.]~~ ***in accordance with the requirements of section 2 of this regulation.***

9. Each client of a facility ~~[shall, within 5 days after admission, undergo a Mantoux tuberculin skin test. If]~~ ***must have documentation showing that*** the client ~~[has no documented history of a two-step Mantoux tuberculin skin test and has not had a single Mantoux tuberculin skin test within]~~ ***is in compliance with*** the ~~[12 months preceding admission to the facility, the~~

~~client shall undergo a two-step Mantoux tuberculin skin test.]~~ ***requirements of NAC 441A.380 concerning tuberculosis.***

10. First-aid supplies must be maintained and readily available at each facility.

Sec. 27. NAC 449.15357 is hereby amended to read as follows:

449.15357 1. Each facility shall have the proper equipment for the sanitary washing and finishing of linen and other washable goods or shall maintain a written agreement with a commercial establishment to provide laundry services.

2. The laundry area of a facility must be situated in an area of the facility that is separate and apart from any room where food is stored, prepared or served. The laundry area must be well-lighted, ventilated, adequate in size to house equipment, maintained in a sanitary manner and kept in good repair.

3. Soiled linen must be collected and transported to the laundry in washable or disposable containers in a sanitary manner. Soiled linen must not be transported through areas of the facility used for preparing or serving food.

4. Clean linen to be dried, ~~[ironed,]~~ folded, transferred or distributed must be handled in a sanitary manner in accordance with a written plan maintained by the facility.

5. Closets for storing linen and laundry supplies must be provided and must not be used for any other purpose.

Sec. 28. NAC 449.154991 is hereby amended to read as follows:

449.154991 An administrator shall ensure that ~~[:~~

~~1. The]~~ ***the*** facility has at least one telephone that is in good working condition in the facility**.** ~~[; and~~

~~2. The telephone number of the facility is listed in the telephone directory.]~~

Sec. 29. NAC 449.15511 is hereby amended to read as follows:

449.15511 As used in NAC 449.15511 to 449.15529, inclusive, ***and section 8 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 449.15513 to 449.15519, inclusive, have the meanings ascribed to them in those sections.

Sec. 30. NAC 449.15523 is hereby amended to read as follows:

449.15523 The director of a home shall:

1. Post the license to operate the home in a conspicuous place within the home.

2. Ensure that the needs of each resident of the home are assessed upon admission of the resident to the home, and that the assessment is updated as the needs of the resident change. Such an assessment must include:

(a) Documentation of the abilities of the resident to function independently; and

(b) A complete list of the matters for which the resident requires assistance.

3. Ensure that the residents of the home:

(a) Are treated with dignity and respect and are not abused, neglected or exploited; and

(b) Receive:

(1) The personal care they require;

(2) A balanced daily diet that meets their nutritional needs;

(3) Protective supervision and adequate services to maintain and enhance their physical, mental and emotional well-being; and

(4) The names of, and the telephone numbers for the registration of complaints with, the Bureau and the Aging and Disability Services Division of the Department of ~~[Health and]~~ Human Services.

4. Ensure that a caregiver, who is capable of meeting the needs of the residents and has been ~~[trained]~~ ***certified*** in first aid and cardiopulmonary resuscitation ~~[,]~~ ***in accordance with the requirements of section 2 of this regulation,*** is on the premises of the home at all times when a resident is present.

5. Ensure that appropriate sanitary procedures are carried out for the handling, cleaning and storage of linens and personal laundry in the home.

Sec. 31. NAC 449.156 is hereby amended to read as follows:

449.156 As used in NAC 449.156 to 449.27706, inclusive, and sections 2 to 16, inclusive, of LCB File No. R043-22, ***and sections 9 to 13, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 449.1565 to 449.178, inclusive, and sections 2 to 6, inclusive, of LCB File No. R043-22 ***and sections 9 and 10 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 32. NAC 449.200 is hereby amended to read as follows:

449.200 1. Except as otherwise provided in subsection 2, a separate personnel file must be kept for each member of the staff of a facility and must include:

(a) The name, address, telephone number and social security number of the employee;

(b) The date on which the employee began his or her employment at the residential facility;

(c) Records relating to the training received by the employee, including, without limitation:

(1) Certificates of completion for all training completed by the employee; and

(2) If a tier 2 training is not provided through a course listed on the Internet website maintained by the Division pursuant to subsection 2 of section 7 of LCB File No. R043-22, a list of topics covered by the training which may consist of, without limitation, the syllabus for the training or an outline of the training;

(d) The health certificates required pursuant to chapter 441A of NAC for the employee;

(e) Evidence that the references supplied by the employee were checked by the residential facility; and

(f) Evidence of compliance with NRS 449.122 to 449.125, inclusive.

2. The personnel file for a caregiver of a residential facility must include, in addition to the information required pursuant to subsection 1:

(a) A certificate stating that the caregiver is currently certified to perform first aid and cardiopulmonary resuscitation ~~[;]~~ ***in accordance with the requirements of section 2 of this regulation;*** and

(b) Proof that the caregiver is 18 years of age or older.

3. The administrator may keep the personnel files for the facility in a locked cabinet and may, except as otherwise provided in this subsection, restrict access to this cabinet by other employees of the facility. Copies of the documents which are evidence that an employee has been certified to perform first aid and cardiopulmonary resuscitation ***in accordance with the requirements of section 2 of this regulation*** and that the employee has been tested for tuberculosis must be available for review at all times. The administrator shall make the personnel files available for ~~[inspection]~~ ***review*** by the Bureau ~~[within 72 hours after the Bureau requests to review the files.]~~ ***upon request.***

Sec. 33. NAC 449.231 is hereby amended to read as follows:

449.231 1. Within 30 days after an administrator or caregiver of a residential facility is employed at the facility, the administrator or caregiver must be ~~[trained]~~ ***certified*** in first aid and cardiopulmonary resuscitation ~~[. The advanced certificate in first aid and adult cardiopulmonary resuscitation issued by]~~ ***in accordance with*** the ~~[American Red Cross or an equivalent certification will be accepted as proof of that training.]~~ ***requirements of section 2 of this regulation.***

2. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:

(a) A germicide safe for use by humans;

(b) Sterile gauze pads;

(c) Adhesive bandages, rolls of gauze and adhesive tape;

(d) Disposable gloves;

(e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and

(f) A thermometer or other device that may be used to determine the bodily temperature of a person.

3. Except for first aid in an emergency, no treatment or medication may be administered to a resident without the approval of a physician, physician assistant or advanced practice registered nurse.

Sec. 34. NAC 449.232 is hereby amended to read as follows:

449.232 1. Each residential facility shall have a telephone ***, which may be a cellular telephone,*** that the residents may use to make local calls.

2. A list of telephone numbers to be called in case of an emergency for each resident must be located near the telephone. The list must include the telephone number of the resident's physician and the telephone number of a friend of the resident or one of the members of the resident's family.

~~[3. The telephone number of the facility must be listed in the telephone directory under the name of the facility.]~~

Sec. 35. NAC 449.258 is hereby amended to read as follows:

449.258 1. Written policies for a residential facility that comply with the provisions of ***sections 6 and 7 of this regulation,*** NAC 449.156 to 449.27706, inclusive, sections 2 to 16, inclusive, of LCB File No. R043-22, ***and sections 9 to 13, inclusive, of this regulation*** must be developed.

2. ~~[A policy on visiting hours must be established to promote contact by the residents with persons who are not residents of the facility. The policy regarding visits must be flexible to ensure that every resident has the opportunity to retain and strengthen ties with family and friends.~~

~~3.]~~ Assurances must be provided that incoming and outgoing mail for a resident will not be interfered with in any way, unless written permission is obtained from the resident or his or her representative. Permission obtained from the resident or the representative may specifically state the type of mail that may be interfered with by the members of the staff of the facility.

Permission granted by a resident or the representative pursuant to this subsection may be revoked by the resident at any time.

~~[4.]~~ ***3.*** The employees of the facility shall comply with the policies developed pursuant to this section.

Sec. 36. NAC 449.262 is hereby amended to read as follows:

449.262 1. The administrator of a residential facility shall ensure that residents are provided with or are assisted in obtaining dental and optical care, treatment for hearing and hearing impairment and social services. The employees of the facility shall maintain a record of the services or assistance provided pursuant to this subsection.

2. If an employee of the facility suspects that a resident is being abused, neglected, isolated ***,*** ~~[or]~~ exploited ~~[,]~~ ***or abandoned,*** the employee shall report that fact in the manner prescribed in NRS 200.5093.

3. The members of the staff of a residential facility shall not:

(a) Use restraints on any resident;

(b) Lock a resident in a room inside the facility; or

(c) Provide sedatives to a resident unless that sedative has been prescribed for that resident by a physician, physician assistant or advanced practice registered nurse to treat specific symptoms. A caregiver shall make a record of the behavior of a resident who has been prescribed a sedative.

Sec. 37. NAC 449.2702 is hereby amended to read as follows:

449.2702 1. Each residential facility shall have a written policy on admissions which includes:

(a) A statement of nondiscrimination regarding admission to the facility and treatment after admission; and

(b) The requirements for eligibility as a resident of that type of facility.

2. A person who wishes to reside in a residential facility with residents that require a higher category of care than the person requires may reside in the facility if he or she is not otherwise prohibited from residing in the facility.

3. A person who is admitted to a residential facility must be at least 18 years of age.

4. Except as otherwise provided in ***this section and*** NAC ***449.2736 and*** 449.275, a residential facility shall not admit or allow to remain in the facility any person who:

(a) Is bedfast;

(b) Requires restraint;

(c) Requires confinement in locked quarters; ~~[or]~~

(d) Requires skilled nursing or other medical supervision on a 24-hour basis ~~[.]~~ ***;***

(e) Requires gastrostomy care;

(f) Requires vacuum-assisted wound closure therapy;

(g) Requires dialysis, if the person is unable to leave the facility to obtain dialysis services;

(h) Suffers from a serious staphylococcus infection or other serious infection; or

(i) Suffers from any other serious medical condition or requires care not described in NAC 449.2712 to 449.2734, inclusive.

5. ***A residential facility that provides care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845, may admit or retain a resident who requires confinement in locked quarters.***

6. If a governmental entity with jurisdiction, including, without limitation, a local board of health, a local health officer, the Division, the Chief Medical Officer or the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, declares the existence of an epidemic or pandemic, a residential facility located in the area in which the epidemic or pandemic is occurring may permit a resident suffering from a serious infection to remain a resident if the resident does not have symptoms that require a higher level of care than the residential facility is capable of providing.

7. A person may not reside in a residential facility if the person's physician or the Bureau determines that the person does not comply with the requirements for eligibility.

~~[6.]~~ *8.* As used in this section ~~[:~~

~~(a) "Bedfast" means a condition in which a person is:~~

~~(1) Incapable of changing his or her position in bed without the assistance of another person; or~~

~~(2) Immobile.~~

~~(b) "Restraint"]~~ *, "restraint"* means:

~~[(1)]~~ *(a)* A psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms;

~~[(2)]~~ *(b)* A manual method for restricting a resident's freedom of movement or the resident's normal access to his or her body; or

~~[(3)]~~ *(c)* A device or material or equipment which is attached to or adjacent to a resident's body that cannot be removed easily by the resident and restricts the resident's freedom of movement or the resident's normal access to his or her body.

Sec. 38. NAC 449.2706 is hereby amended to read as follows:

449.2706 1. If a resident's condition deteriorates to such an extent that:

(a) The residential facility is unable to provide the services necessary to treat the resident properly; or

(b) The resident no longer complies with the requirements for admission to the facility,

➥ the facility shall plan for the transfer of the resident pursuant to NRS 449A.100 ***,*** ~~[and]~~ 449A.103 ***and 449A.282*** to another facility that is able to provide the services necessary to treat the resident properly.

2. A resident, his or her next of kin and the responsible agency, if any, must be consulted and adequate arrangements must be made to meet the resident's needs through other means before he or she permanently leaves the facility.

Sec. 39. NAC 449.2708 is hereby amended to read as follows:

449.2708 1. ~~[A resident may be discharged from a residential facility without his or her approval if:~~

~~(a) The resident fails to pay his or her bill within 5 days after it is due;~~

~~(b) The resident fails to comply with the rules or policies of the facility; or~~

~~(c) The administrator of the facility or the Bureau determines that the facility is unable to provide the necessary care for the resident.~~

~~2. Except as otherwise provided in this section, before a resident may be discharged from a residential facility without his or her approval pursuant to this section, the facility must provide the resident, his or her representative and the person who pays the bill on behalf of the resident, if any, with written notice that the resident will be discharged.~~

~~3.~~ A residential facility shall discharge a resident who is transferred pursuant to NRS 449A.100 ***,*** ~~and~~ 449A.103 ***and 449A.282*** and admitted to another facility for a higher level of care. Written notice pursuant to ~~subsection 2~~ ***NRS 449A.114*** that the resident will be discharged is not required if the condition of the resident necessitates immediate transfer to receive emergency care.

~~4.~~ ***2.*** If ~~the~~ ***a*** resident or any of his or her visitors are engaging in behavior which is a threat to the mental or physical health or safety of the resident or other persons in the facility, the facility may issue a notice to quit to the resident. The notice to quit must include:

(a) The reasons for its issuance, with specific facts relating to the date, time and place of the incidents that posed a threat to the physical or mental health or safety of the resident or other persons in the facility; and

(b) The names of persons who witnessed the incidents and the circumstances under which the incidents occurred.

➥ If the resident or his or her visitors do not comply with the notice to quit, the resident may be discharged from the facility without his or her approval pursuant to ~~subsection 2.~~ ***NRS 449A.282.***

Sec. 40. NAC 449.2712 is hereby amended to read as follows:

449.2712 1. A person who requires the use of oxygen must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless he or she:

(a) Is mentally and physically capable of operating the equipment that provides the oxygen; or

(b) Is capable of:

(1) Determining his or her need for oxygen; and

(2) Administering the oxygen to himself or herself with assistance.

2. The caregivers employed by a residential facility with a resident who requires the use of oxygen shall:

(a) Monitor the ability of the resident to operate the equipment in accordance with the orders of a physician; and

(b) Ensure that:

(1) The resident's physician evaluates periodically the condition of the resident which necessitates his or her use of oxygen;

(2) Signs which prohibit smoking and notify persons that oxygen is in use are posted in areas of the facility in which oxygen is in use or is being stored;

(3) Persons do not smoke in those areas where smoking is prohibited;

(4) All electrical equipment is inspected for defects which may cause sparks;

(5) All oxygen tanks kept in the facility are secured in a stand or to a wall;

(6) The equipment used to administer oxygen is in good working condition;

(7) A portable unit for the administration of oxygen in the event of a power outage is present in the facility at all times when a resident who requires oxygen is present in the facility; and

(8) The equipment used to administer oxygen is removed from the facility when it is no longer needed by the resident.

3. The administrator of a residential facility shall ensure that ~~[the]~~ ***:***

(a) The caregivers who may be required to administer oxygen have demonstrated the ability to operate properly the equipment used to administer oxygen ~~[.]~~ ***; and***

(b) All caregivers are trained and knowledgeable regarding hazards and precautions to take when oxygen is in use.

Sec. 41. NAC 449.272 is hereby amended to read as follows:

449.272 1. A person who requires the use of an indwelling catheter must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:

(a) The resident is physically and mentally capable of caring for all aspects of the condition, with or without the assistance of a caregiver;

(b) Irrigation of the catheter is performed in accordance with the physician's orders by a medical professional who has been trained to provide that care; and

(c) The catheter is inserted and removed only in accordance with the orders of a physician by a medical professional who has been trained to insert and remove a catheter.

2. The caregivers employed by a residential facility with a resident who requires the use of an indwelling catheter shall ensure that:

(a) The bag and tubing of the catheter are changed by:

(1) The resident, with or without the assistance of a caregiver; or

(2) A medical professional who has been trained to provide that care;

(b) Waste from the use of the catheter is disposed of properly;

(c) Privacy is afforded to the resident while care is being provided; ~~[and]~~

(d) The bag of the catheter is emptied by a caregiver who has received instruction in the handling of such waste and the signs and symptoms of urinary tract infections and dehydration ~~[.]~~ ***; and***

(e) Immediate notice is given to the primary health care provider of the resident or the administrator of the facility or his or her designee if a caregiver observes any signs or symptoms of a urinary tract infection or dehydration in the resident.

3. An administrator or his or her designee who receives notification from a caregiver pursuant to paragraph (e) of subsection 2 shall immediately notify the primary health care provider of the resident.

Sec. 42. NAC 449.2722 is hereby amended to read as follows:

449.2722 1. ~~[A person who has an unmanageable condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility.~~

~~2.]~~ A person who has a ~~[manageable]~~ condition of bowel or bladder incontinence must not be admitted to a residential facility or permitted to remain as a resident of a residential facility unless the condition can be managed by:

(a) The resident without the assistance of any other person;

(b) Requiring the resident to participate in a structured bowel or bladder retraining program to assist the resident in restoring a normal pattern of continence;

(c) A program which includes scheduled toileting at regular intervals; or

(d) Requiring the resident to use products that keep him or her clean and dry at all times.

~~[3.]~~ ***2.*** The caregivers employed by a residential facility with a resident who has a ~~[manageable]~~ condition of bowel or bladder incontinence shall ensure that:

(a) If the resident can benefit from scheduled toileting, he or she is assisted or reminded to go to the bathroom at regular intervals;

(b) The resident is checked during those periods when he or she is known to be incontinent, including during the night;

(c) The resident is kept clean and dry;

(d) Retraining programs are designed by a medical professional with training and experience in the care of persons with bowel or bladder dysfunction;

(e) The retraining programs established for a resident are followed; and

(f) Privacy is afforded to the resident when care is being provided.

~~[4.]~~ ***3.*** The caregivers employed by the facility shall not:

(a) Withhold fluids from a resident to control incontinence; or

(b) Have a resident catheterized to control incontinence for the convenience of the employees of the facility.

Sec. 43. NAC 449.2734 is hereby amended to read as follows:

449.2734 1. ~~[A]~~ ***Except as otherwise provided in NAC 449.2702, a*** person who has a tracheostomy or an open wound that requires treatment by a medical professional must not be admitted to a residential facility or be permitted to remain as a resident of a residential facility unless:

(a) The wound is in the process of healing or the tracheostomy is stable or can be cared for by the resident without assistance;

(b) The care is provided by or under the supervision of a medical professional who has been trained to provide that care; or

(c) The wound is the result of surgical intervention and care is provided as directed by the surgeon.

2. If a person who has a pressure or stasis ulcer or who is at risk of developing a pressure or stasis ulcer is admitted to a residential facility or permitted to remain as a resident of a residential facility:

(a) The condition must have been diagnosed by a physician;

(b) The condition must be cared for by a medical professional who is trained to provide care for and reassessment of that condition; and

(c) Before a caregiver provides care to the person who has a pressure or stasis ulcer or who is at risk of developing a pressure or stasis ulcer, the caregiver must receive training related to the prevention and care of pressure sores from a medical professional who is trained to provide care for that condition.

3. The administrator of the facility shall ensure that records of the care provided to a person who has a pressure or stasis ulcer pursuant to subsection 2 are maintained at the facility. The records must include an explanation of the cause of the pressure or stasis ulcer.

Sec. 44. NAC 449.2736 is hereby amended to read as follows:

449.2736 1. The administrator of a residential facility may submit to the Division a written request for permission to admit or retain a resident who is prohibited from being admitted to a residential facility or remaining as a resident of the facility pursuant to ~~[NAC 449.271 to 449.2734, inclusive.]~~ ***paragraph (a) or (i) of subsection 4 of NAC 449.2702.***

2. A written request submitted pursuant to this section must include, without limitation:

(a) Records concerning the resident's current medical condition, including updated medical reports, other documentation of current health, a prognosis and the expected duration of the condition;

(b) A plan for ensuring that the resident's medical needs can be met by the facility;

(c) A plan for ensuring that the level of care provided to the other residents of the facility will not suffer as a result of the admission or retention of the resident who is the subject of the request; and

(d) A statement signed by the administrator of the facility that the needs of the resident who is the subject of the written request will be met by the caregivers employed by the facility.

3. A written request submitted to the Division pursuant to this section must be received:

(a) Before the administrator admits a resident; or

(b) At the onset of a medical condition set forth in ~~[NAC 449.271 to 449.2734, inclusive.]~~ ***paragraph (a) or (i) of subsection 4 of NAC 449.2702.***

4. ~~[A]~~ ***The plan for ensuring that the medical needs of a resident who is bedfast can be met by the facility submitted pursuant to paragraph (b) of subsection 2 must include, without limitation:***

(a) An assessment of the needs of the resident made within 48 hours after admission to the residential facility or the time when the resident becomes bedfast, as applicable;

(b) Measures to reduce the risk of blood clots and muscle atrophy;

(c) Measures to decrease the development of pneumonia and other respiratory complications;

(d) Measures to decrease constipation and other problems with bowel function;

(e) Measures to meet the psychosocial needs of the resident, including, without limitation, planning activities in which the resident can participate such as listening to music, visitation and having another person read to the resident;

(f) Measures to reduce injury, including, without limitation, pressure ulcers, foot drop, contractures and other related injuries;

(g) Measures to ensure the nutritional needs of the resident are met and are provided in a safe manner to avoid problems such as aspiration; and

(h) Measures to ensure the safe administration of medications.

5. Except as otherwise provided in subsection 6 and NAC 449.275, a residential facility must receive the permission requested pursuant to subsection 1 before the facility admits a resident who is otherwise prohibited from being admitted to the facility pursuant to ~~[NAC 449.271 to 449.2734, inclusive.]~~ ***paragraph (a) or (i) of subsection 4 of NAC 449.2702.***

~~[5.]~~ ***6.*** A residential facility may retain a resident who is otherwise prohibited from remaining as a resident of the facility pursuant to ~~[NAC 449.271 to 449.2734, inclusive,]~~ ***paragraph (a) or (i) of subsection 4 of NAC 449.2702*** for 10 days after the facility submits to the Division the written request required pursuant to subsection 1.

Sec. 45. NAC 449.2738 is hereby amended to read as follows:

449.2738 1. If, after conducting an inspection or investigation of a residential facility, the Bureau determines that it is necessary to review the medical condition of a resident, the Bureau shall inform the administrator of the facility of the need for the review and the information the

facility is required to submit to the Bureau to assist in the performance of the review. The administrator shall, within a period prescribed by the Bureau, provide to the Bureau:

(a) The assessments made by physicians concerning the physical and mental condition of the resident; and

(b) Copies of prescriptions for medication or orders of physicians for services or equipment necessary to provide care for the resident.

2. If the Bureau or the resident's physician determines that the facility is prohibited from caring for the resident pursuant to NAC ~~[449.271]~~ ***449.2712*** to 449.2734, inclusive, or is unable to care for the resident in the proper manner, the administrator of the facility must be notified of that determination. Upon receipt of such a notification, the administrator shall, within a period prescribed by the Bureau, submit a plan to the Bureau for the safe and appropriate relocation of the resident pursuant to NRS 449A.100 to a place where the proper care will be provided.

3. If an inspection or investigation reveals that the conditions at a residential facility may immediately jeopardize the health and safety of a resident, the administrator of the facility shall, as soon as practicable, ensure that the resident is transferred to a facility which is capable of properly providing for his or her care.

Sec. 46. NAC 449.275 is hereby amended to read as follows:

449.275 1. ***A residential facility may admit a resident who requires skilled nursing on a 24-hour basis, including, without limitation, such a resident who is bedfast, or permit such a resident to remain in the facility without obtaining permission pursuant to NAC 449.2736 if:***

(a) The facility is not otherwise prohibited from admitting the resident or allowing the resident to remain in the facility, as applicable, by NAC 449.2702;

(b) The care and services are provided by a program of hospice care or an agency to provide nursing in the home, as applicable; and

(c) The facility complies with the requirements of subsection 2, if applicable.

2. A residential facility that provides services to a resident who elects to receive hospice care shall obtain a copy of the plan of care required pursuant to NAC 449.0186 for that resident.

~~[2.]~~ The members of the staff of the facility shall:

(a) Maintain at the facility a written record of the care and services provided to a resident who receives hospice care; and

(b) Report any deviation from the established plan of care to the resident's physician within 24 hours after the deviation occurs.

~~[3. If the Division grants a request made pursuant to NAC 449.2736 by the administrator of a residential facility that provides hospice care, the residential facility may retain a resident who:~~

~~(a) Is bedfast, as defined in NAC 449.2702; or~~

~~(b) Requires skilled nursing or other medical care on a 24-hour basis.]~~

Sec. 47. NAC 449.310 is hereby amended to read as follows:

449.310 1. A hospital shall not have more patients than the number of beds for which it is licensed, except in emergencies. If there is an emergency, the hospital shall notify the Bureau.

2. If a hospital is accredited by the Joint Commission ~~[on Accreditation of Healthcare Organizations]~~ or the American Osteopathic Association, the Bureau is not required to make an annual on-site inspection of the hospital.

Sec. 48. NAC 449.358 is hereby amended to read as follows:

449.358 1. A hospital shall have a well-organized medical staff that operates in accordance with the bylaws approved by the governing body.

2. The medical staff must be appointed by the governing body and be composed of:

(a) Doctors of medicine or osteopathy; and

(b) To the extent authorized by state law, other practitioners.

3. The medical staff shall periodically conduct appraisals of its members.

4. The members of the medical staff shall examine the credentials of candidates for membership to the medical staff and make recommendations to the governing body on the appointment of those candidates to the medical staff.

5. The medical staff is accountable to the governing body for the quality of the medical care provided to the patients of the hospital.

6. If the medical staff has an executive committee, a majority of the members of the executive committee must be doctors of medicine or osteopathy.

7. The responsibility for the organization and conduct of the medical staff must be assigned only to a doctor of medicine or osteopathy.

8. The medical staff shall adopt and enforce bylaws to carry out its responsibilities. The bylaws must:

(a) Be approved by the governing body of the hospital.

(b) Include a statement of the duties and privileges for each category of the medical staff, including, without limitation, active status and courtesy privileges.

(c) Describe the organization of the medical staff.

(d) Describe the qualifications that a candidate for membership to the medical staff must have before the medical staff will consider the recommendation of the candidate for membership.

(e) Include criteria for determining the privileges to be granted to individual practitioners and a procedure for applying the criteria to persons requesting privileges.

(f) ~~[Include]~~ ***Except as otherwise provided in this paragraph, include*** a requirement that a physical examination and medical history be done on each patient not more than 7 days before or more than 48 hours after the patient is admitted into the hospital by a member of the medical staff who is a doctor of medicine or osteopathy. ***The bylaws may authorize a certified nurse-midwife, as defined in NRS 449.0302, to perform the physical examination and medical history required by this paragraph for a patient who is admitted into the hospital for the purpose of giving birth.***

9. The medical staff shall attempt to secure autopsies in all cases in which the death of the patient is unusual or is of legal, medical or educational interest. The medical staff shall:

(a) Specifically define a mechanism for documenting permission to perform an autopsy;

(b) Establish a system for notifying the members of the medical staff and the attending physician when an autopsy is to be performed; and

(c) Ensure that all autopsies performed in the hospital are authorized pursuant to NRS 451.010.

Sec. 49. NAC 449.364 is hereby amended to read as follows:

449.364 1. If a hospital provides obstetric services, the obstetric services must be provided through an obstetric department which is well-organized and sufficiently staffed to ensure the health and safety of the patients.

2. The obstetric department must be under the direction and supervision of a qualified member of the medical staff. The director of the obstetric department is responsible for the quality of medical care provided to patients by the obstetric department and for the review of the professional practices of the medical staff within the obstetric department, including, without limitation:

(a) The delineation of the privileges accorded to members of the medical staff and members of allied health professional persons in the obstetric department; and

(b) The reappraisal and appointment of each such member.

3. A roster of the privileges relating to the provision of obstetric services of each member of the medical staff must be kept in the files of the obstetric department. The roster must specify the privileges awarded to each member.

4. A hospital shall ensure that the obstetric department has adequate staffing and equipment, including, without limitation:

(a) A sufficient number of registered nurses, trained in perinatal care of a maternal patient and in newborn care, who are on duty at all times to ensure that proper care is provided to each patient;

(b) Appropriate equipment maintained in good working order;

(c) Drugs and oxygen necessary to provide obstetric care to a maternal patient and a newborn;

(d) Appropriate clinical laboratory services available to provide safe obstetric care according to the needs of the patient and medical staff of the department; and

(e) Sufficient personnel on the premises and immediately available for each delivery of a newborn who:

(1) Are ~~[trained]~~ ***certified in accordance with the requirements of section 2 of this regulation*** and experienced in performing cardiopulmonary resuscitation on adults and newborns; and

(2) Have successfully completed the Neonatal Resuscitation Program endorsed by the American Academy of Pediatrics and the American Heart Association.

5. A hospital shall ensure that the obstetric department has the capability of providing:

(a) Initial evaluation of the risk-status of each patient needing obstetric services, including the appropriateness of admitting the patient; and

(b) Support of patients in labor.

Sec. 50. NAC 449.39516 is hereby amended to read as follows:

449.39516 1. An intermediary service organization shall ensure that each client of the intermediary service organization and personal assistant employed by the intermediary service organization is aware of and understands:

(a) The rights and responsibilities of the client;

(b) The ethical responsibilities of the personal assistant, including, without limitation, any responsibilities concerning the confidentiality of client information;

(c) The training requirements for the personal assistant as set forth in NAC 449.39519;

(d) The policies and procedures to be used by the personal assistant for the control of infections, including, without limitation, the policies and procedures of the intermediary service organization and the universal precautions as defined in NAC 441A.195;

(e) The respective responsibilities of the personal assistant and the client to properly document the needs of the person with a disability and to properly document the provision of personal assistance to that person;

(f) The procedures that the personal assistant will follow when responding to medical and nonmedical emergencies of the person with a disability;

(g) The provisions of NRS 629.091 and the appropriate procedures that must be followed when providing assistance to a person with a disability pursuant to that section; and

(h) The procedures for a client to appeal the termination, reduction or suspension of services by the intermediary service organization.

2. An intermediary service organization shall:

(a) Remain open for operation during regular business hours;

(b) ~~[Maintain a telephone line at the location of the intermediary service organization that is listed on its certificate, which must be published in a public telephone directory;~~

~~(c)]~~ Have a federal taxpayer identification number;

~~[(d)]~~ ***(c)*** Maintain all business licenses required by state and local law;

~~[(e)]~~ ***(d)*** Maintain a written policy concerning the manner in which complaints from clients will be documented and resolved and a log which lists all complaints filed by clients; and

~~[(f)]~~ ***(e)*** Maintain a written policy concerning the procedures for a client to appeal the termination, reduction or suspension of services by the intermediary service organization.

3. If an intermediary service organization withholds any money from a personal assistant which must be forwarded to another person, including, without limitation, insurance premiums, fees required to be paid by the intermediary service organization pursuant to state or federal law

on behalf of the personal assistant or money withheld at the request of the personal assistant, the intermediary service organization must transfer such money to the person designated for receipt of the money by the date required for such transfer.

4. An intermediary service organization may:

(a) Employ personal assistants to provide specific medical, nursing or home health care services for a person with a disability pursuant to NRS 629.091; and

(b) At the request of a client, assist in the development of a plan of care for a person with a disability.

5. An intermediary service organization shall not serve as the managing employer of a personal assistant.

Sec. 51. NAC 449.39517 is hereby amended to read as follows:

449.39517 1. Each personal assistant employed by an intermediary service organization must:

(a) Be at least 18 years of age;

(b) Demonstrate the ability to meet the needs of the person with a disability as outlined by the client;

(c) Demonstrate the ability to communicate effectively with the client;

(d) Obtain certification to perform first aid and cardiopulmonary resuscitation ***, in accordance with the requirements of section 2 of this regulation,*** within 120 days after the date on which the personal assistant begins employment with the intermediary service organization;

(e) Be in good health as certified by a physician and must not be infected with any communicable disease that may be contagious; and

(f) If the personal assistant transports a person with a disability in a motor vehicle, maintain motor vehicle liability insurance.

2. An intermediary service organization shall serve as the employer of record for and shall maintain a personnel file for each personal assistant employed by the intermediary service organization. Each personnel file must include, without limitation:

(a) The name, address and telephone number of the personal assistant;

(b) The date on which the personal assistant began employment with the intermediary service organization;

(c) Proof that the personal assistant meets the qualifications set forth in subsection 1;

(d) Evidence that the intermediary service organization has submitted the personal assistant's fingerprints to the Central Repository for Nevada Records of Criminal History or the results of the criminal history report prepared by the Central Repository, as applicable; and

(e) Documentation submitted by the client pursuant to NAC 449.39519 of the training received by the personal assistant as required pursuant to that section.

3. An intermediary service organization shall, upon the request of the Division, make available to the Division all personnel files, including, without limitation, any personnel files that are maintained electronically.

Sec. 52. NAC 449.39519 is hereby amended to read as follows:

449.39519 1. The client of an intermediary service organization must serve as the managing employer of the personal assistant and must be responsible for the selection and termination of the personal assistant.

2. Each client shall ensure that:

(a) The personal assistant selected to provide services to the person with a disability under the direction of the client completes the training required pursuant to this section; and

(b) The personal assistant is able to safely perform the services required to meet the needs of the person with a disability.

3. Each client shall ensure that the personal assistant:

(a) Receives instruction from the client or a person designated by the client at the location where the personal assistant will provide services to the person with a disability;

(b) Within 120 days after being employed by the intermediary service organization, receives not less than 16 hours of training which must include, without limitation:

(1) The rights of a client, including, without limitation, confidentiality of client information and state and federal laws relating to confidentiality;

(2) First aid and cardiopulmonary resuscitation ~~[;]~~ ***in accordance with the requirements of section 2 of this regulation and paragraph (d) of subsection 1 of NAC 449.39517;***

(3) Universal precautions, as defined in NAC 441A.195, and the control of infection, including, without limitation, information on bloodborne pathogens and infection control procedures;

(4) Body mechanics, transferring and mobility, including, without limitation, typical body movements, range of motion, prevention of back injury and potential fall hazards;

(5) Household safety and accident prevention, including, without limitation, the preparation of a home for safety and accident prevention;

(6) Basic communication skills, including, without limitation, techniques for sharing information with persons who require alternative modes of communication;

(7) Information concerning advance directives as defined in NRS 449A.703;

(8) General awareness of issues relating to aging and disabilities, sensory, physical and cognitive disabilities, behavioral interventions targeted to specific populations, and the philosophy and principles of independent living; and

(9) The prevention of abuse, neglect ***,*** ~~[and]~~ exploitation ***, isolation or abandonment*** of ~~[a]~~ ***an older*** person ~~[with a disability,]~~ ***or vulnerable person,*** including, without limitation, identifying and reporting the full range of serious occurrences, and reporting of suspected cases of abuse, neglect ***,*** ~~[or]~~ exploitation ***, isolation or abandonment*** in the manner prescribed in NRS 200.5093 ~~[, 200.50935]~~ and 632.472; and

(c) Receives not less than 8 hours of training during each year of employment thereafter concerning such topics as determined by the client.

4. The client shall submit to the intermediary service organization documentation which includes, without limitation:

(a) The content of the training provided to the personal assistant pursuant to this section;

(b) The date on which the training was completed;

(c) The number of hours of training provided to the personal assistant; and

(d) A certificate indicating successful completion of the training.

Sec. 53. NAC 449.39579 is hereby amended to read as follows:

449.39579 1. The administrator of a community health worker pool must:

(a) Be at least 18 years of age;

(b) Have a high school diploma or its equivalent;

(c) Be responsible and mature and have the personal qualities which will enable the administrator to understand the problems relating to the prevention and management of chronic disease, the social determinants of health, the field of behavioral health and community services;

(d) Understand the provisions of this chapter and chapter 449 of NRS; and

(e) Demonstrate the ability to read, write, speak and understand the English language.

2. The administrator of a community health worker pool shall represent the licensee in the daily operation of the community health worker pool and shall appoint a person to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:

(a) Employing qualified personnel and arranging for their training;

(b) Ensuring that only trained community health workers are providing the services of a community health worker to a client of the community health worker pool and that such services are provided in accordance with the functional assessment of the client, the service plan established for the client and the policies and procedures of the community health worker pool;

(c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the community health worker pool;

(d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the community health worker pool;

(e) Providing oversight and direction for community health workers and other members of the staff of the community health worker pool as necessary to ensure that the clients of the community health worker pool receive needed services;

(f) Developing and implementing policies and procedures for the community health worker pool, including, without limitation, policies and procedures concerning terminating the services of a community health worker provided to a client;

(g) Designating one or more employees of the community health worker pool to be in charge of the community health worker pool during those times when the administrator is absent;

(h) Demonstrating to the Division upon request that the community health worker pool has sufficient resources and the capability to satisfy the requests of each client of the community health worker pool related to the provision of the services of a community health worker described in the service plan to the client; and

(i) Providing an annual report to the Division, on a form prescribed by the Division, on or before January 1 of each year after the initial licensure of the community health worker pool.

3. Except as otherwise provided in this subsection, an employee designated to be in charge of the community health worker pool when the administrator is absent must have access to all records kept at the community health worker pool. Confidential information may be removed from a file to which an employee designated to be in charge of the community health worker pool has access if the confidential information is maintained separately by the administrator.

4. The administrator of a community health worker pool shall ensure that:

(a) The clients of the community health worker pool are not abused, neglected, exploited, isolated or abandoned by a community health worker or another member of the staff of the community health worker pool, or by any person who is visiting the client when a community health worker or another member of the staff of the community health worker pool is present; and

(b) Suspected cases of abuse, neglect, exploitation, isolation or abandonment of a client are reported in the manner prescribed in NRS 200.5093 ~~[, 200.50935]~~ and 632.472.

Sec. 54. NAC 449.39585 is hereby amended to read as follows:

449.39585 1. A separate personnel file must be kept for each community health worker employed or retained pursuant to a contract by a community health worker pool and must include, without limitation:

(a) The name, address and telephone number of the community health worker;

(b) The date on which the community health worker began working for the community health worker pool;

(c) Documentation satisfactory to the Division that the community health worker has been screened for communicable diseases as described in NAC 441A.375;

(d) Evidence of compliance with NRS 449.123 by the administrator of the community health worker pool or the person licensed to operate the community health worker pool with respect to the community health worker;

(e) Proof that, within 6 months after the community health worker began working for the community health worker pool, the community health worker obtained a certificate in first aid and cardiopulmonary resuscitation ~~[issued by]~~ ***, in accordance with*** the ~~[American National Red Cross or an equivalent certificate approved by the Division]~~ ***requirements of section 2 of this regulation,*** and proof that such certification has been maintained current;

(f) Proof that the community health worker is at least 18 years of age;

(g) Proof of possession by the community health worker of at least the minimum liability insurance coverage required by state law if the community health worker will be providing transportation to a client in a motor vehicle;

(h) Documentation of each initial training course and continuing education attended by the community health worker; and

(i) Documentation of the performance evaluations of the community health worker.

2. The documentation described in paragraph (h) of subsection 1 must include, without limitation, for each initial training course and continuing education attended by the community health worker:

(a) The name of the training course or continuing education;

(b) The date on which the training course or continuing education was attended;

(c) The number of hours of the training course or continuing education;

(d) The name of the instructor of the training course or continuing education; and

(e) A certificate of completion or another certificate indicating that the training course or continuing education was successfully completed by the community health worker.

Sec. 55. NAC 449.396 is hereby amended to read as follows:

449.396 As used in NAC 449.396 to 449.3982, inclusive, ***and section 14 of this regulation,*** the words and terms defined in NAC 449.3961 to 449.3968, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. NAC 449.3961 is hereby amended to read as follows:

449.3961 "Activities of daily living" means the activities listed in ~~[NRS 449.0021.]~~ ***section 7 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 917.***

Sec. 57. NAC 449.3965 is hereby amended to read as follows:

449.3965 "Personal care services" means the nonmedical services described in ~~[NRS 449.0021.]~~ ***section 7 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 917.***

Sec. 58. NAC 449.3973 is hereby amended to read as follows:

449.3973 1. The administrator of an agency must:

(a) Be at least 18 years of age;

(b) Have a high school diploma or its equivalent ~~[;]~~ ***or be licensed by the Board of Examiners for Long-Term Care Administrators pursuant to chapter 654 of NRS;***

(c) Be responsible and mature and have the personal qualities which will enable the administrator to understand the problems of elderly persons and persons with disabilities;

(d) Understand the provisions of this chapter and ***the*** chapter ~~[449]~~ of NRS ~~[;]~~ ***consisting of sections 2 to 90, inclusive, of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at pages 917-955;*** and

(e) Demonstrate the ability to read, write, speak and understand the English language.

2. The administrator of an agency shall represent the licensee in the daily operation of the agency and shall appoint a person to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:

(a) Employing qualified personnel and ensuring that such personnel receive all training required by this chapter and chapter 449 of NRS in accordance with NAC 449.39735;

(b) Ensuring that only trained attendants are providing services to a client of the agency and that such services are provided in accordance with the functional assessment of the client, the service plan established for the client and the policies and procedures of the agency;

(c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the agency;

(d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the agency;

(e) Providing oversight and direction for attendants and other members of the staff of the agency as necessary to ensure that the clients of the agency receive needed services;

(f) Developing and implementing policies and procedures for the agency, including, without limitation, policies and procedures concerning terminating the personal care services provided to a client;

(g) Designating one or more employees of the agency to be in charge of the agency during those times when the administrator is absent; and

(h) Demonstrating to the Division upon request that the agency has sufficient resources and the capability to satisfy the requests of each client of the agency related to the provision of the personal care services described in the service plan to the client.

3. Except as otherwise provided in this subsection and subsection 4 of NAC 449.3976, an employee designated to be in charge of the agency when the administrator is absent must have access to all records kept at the agency. Confidential information may be removed from a file to which an employee designated to be in charge of the agency has access if the confidential information is maintained separately by the administrator.

4. The administrator of an agency shall ensure that:

(a) The clients of the agency are not abused, neglected or exploited by an attendant or another member of the staff of the agency, or by any person who is visiting the client when an attendant or another member of the staff of the agency is present; and

(b) Suspected cases of abuse, neglect ***,*** ~~[or]~~ exploitation ***, isolation or abandonment*** of a client are reported in the manner prescribed in NRS 200.5093 and 632.472.

Sec. 59. NAC 449.3976 is hereby amended to read as follows:

449.3976 1. A separate personnel file must be kept for each attendant of an agency and must include, without limitation:

(a) The name, address and telephone number of the attendant;

(b) The date on which the attendant began working for the agency;

(c) Documentation that the attendant has had the tests or obtained the certificates required by NAC 441A.375;

(d) Evidence that the references supplied by the attendant were checked by the agency;

(e) Evidence of compliance with ~~[NRS 449.123]~~ ***section 37 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 930,*** by the administrator of the agency or the person licensed to operate the agency with respect to the attendant;

(f) Proof that, within 6 months after the attendant began working for the agency, the attendant ~~[obtained a certificate]~~ ***is certified*** in first aid and cardiopulmonary resuscitation ~~[issued by]~~ ***in accordance with*** the ~~[American National Red Cross or an equivalent certificate approved by the Division;]~~ ***requirements of section 2 of this regulation;***

(g) Proof that the attendant is at least 18 years of age;

(h) Proof of possession by the attendant of at least the minimum liability insurance coverage required by state law if the attendant will be providing transportation to a client in a motor vehicle; and

(i) Documentation of all training attended by and performance evaluations of the attendant.

2. The documentation described in paragraph (i) of subsection 1 must include, without limitation, for each training course attended by the attendant:

(a) A description of the content of the training course;

(b) The date on which the training course was attended;

(c) The number of hours of the training course;

(d) The name and signature of the instructor of the training course; and

(e) A certificate indicating that the training course was successfully completed by the attendant.

3. The administrator or the administrator's designee shall evaluate the competency of an attendant in each competency area required by the agency if the attendant provides written proof of his or her current or previous training in that competency area. After the initial evaluation, any additional training provided to the attendant may be limited to areas in which the attendant needs to improve his or her competency.

4. The administrator may keep the personnel files of the agency in a locked cabinet and may, except as otherwise provided in this subsection, restrict access to this cabinet by attendants and other members of the staff of the agency. The administrator shall make the personnel files, including, without limitation, any electronic files, available for review by the Division upon request.

Sec. 60. NAC 449.3977 is hereby amended to read as follows:

449.3977 1. Each attendant of an agency shall:

(a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of agencies before providing personal care services to the clients of the agency. The agency must provide a copy of those provisions to an attendant before the attendant may provide personal care services to the clients of the agency.

(b) Participate in and complete a training program before independently providing personal care services to the clients of the agency. The training program must include an opportunity for the attendant to receive on-the-job instruction provided to clients of the agency, as long as the administrator of the agency or the administrator's designee provides supervision during this instruction to determine whether the attendant is able to provide personal care services successfully and independently to the client.

(c) Receive training:

(1) In the written documentation of:

(I) Personal care services provided to the clients of the agency; and

(II) Verification of time records.

(2) In the rights of clients, including, without limitation, training in methods to protect client confidentiality pursuant to state and federal regulations.

(3) Related to the special needs of elderly persons and persons with disabilities, including, without limitation, training in the sensory, physical and cognitive changes related to the aging process.

(4) Related to communication skills, including, without limitation, active listening, problem solving, conflict resolution and techniques for communicating through alternative modes with persons with communication or sensory impairments.

(5) In first aid and cardiopulmonary resuscitation ~~[. A certificate]~~ ***that culminates in the attendant being certified*** in first aid and cardiopulmonary resuscitation ~~[issued by]~~ ***in accordance with*** the ~~[American National Red Cross or an equivalent certificate will be accepted as proof of that training.]~~ ***requirements of section 2 of this regulation.***

(6) That is specifically related to the personal care services provided by the agency, including, as applicable, training in the following topics:

(I) Duties and responsibilities of attendants and the appropriate techniques for providing personal care services;

(II) Recognizing and responding to emergencies, including, without limitation, fires and medical emergencies;

(III) Dealing with adverse behaviors;

(IV) Nutrition and hydration, including, without limitation, special diets and meal preparation and service;

(V) Bowel and bladder care, including, without limitation, routine care associated with toileting, routine maintenance of an indwelling catheter drainage system such as emptying the bag and positioning, routine care of colostomies such as emptying and changing the bag, signs and symptoms of urinary tract infections, and common bowel problems, including, without limitation, constipation and diarrhea;

(VI) Skin care, including, without limitation, interventions that prevent pressure sores, routine inspections of the skin and reporting skin redness, discoloration or breakdown to the client or a representative of the client and to the administrator of the agency or the administrator's designee;

(VII) Methods and techniques to prevent skin breakdown, contractures and falls;

(VIII) Hand washing and infection control;

(IX) Body mechanics, mobility and transfer techniques, including, without limitation, simple nonprescribed range of motion; and

(X) Maintenance of a clean and safe environment.

2. Each attendant of an agency must be evaluated and determined to be competent by the agency in the required areas of training set forth in paragraph (c) of subsection 1.

3. Each attendant of an agency must have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 within the 12 months immediately preceding the date on which the attendant first begins providing care to a client.

Sec. 61. NAC 449.39775 is hereby amended to read as follows:

449.39775 1. An attendant may perform a task described in ~~[~~NRS 449.0304~~]~~ ***section 14 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 920,*** if the attendant:

(a) Before performing the task, annually thereafter and when any device used for performing the task is changed:

(1) Receives training concerning the task that meets the requirements of subsections ~~[~~6~~]~~ *7* and ~~[~~7;~~]~~ *8;* and

(2) Demonstrates an understanding of the task;

(b) Follows the manufacturer's instructions when operating any device used for performing the task;

(c) Performs the task in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation; and

(d) Complies with the requirements of subsection 3 or 4, if applicable.

2. If a person with diabetes who is a client of an agency does not have the physical or mental capacity to perform a blood glucose test on himself or herself and an attendant performs a blood glucose test on the client, the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, 42 U.S.C. § 263a, shall be deemed to be applicable for the purposes of paragraph (c) of subsection 1.

3. In addition to satisfying the requirements of subsection 1, an attendant who conducts a blood glucose test must ensure that the device for monitoring blood glucose is not used on more than one person.

4. An attendant may assist a client in the administration of insulin prescribed to the client for his or her diabetes and furnished by a registered pharmacist through an auto-injection device approved by the United States Food and Drug Administration for use in the home in accordance with the requirements of subsection 1 if:

(a) A physician, physician assistant or advanced practice registered nurse has determined that the client's physical and mental condition is stable and following a predictable course; and

(b) The amount of the insulin prescribed to the client is at a maintenance level and does not require a daily assessment, including, without limitation, the use of a sliding scale.

5. An attendant may weigh a client of an agency only if:

(a) The attendant has received training on how to accurately weigh persons that meets the requirements of subsections ~~[6]~~ *7* and ~~[7;]~~ *8;* and

(b) The client has consented to being weighed by the attendant.

6. ***An attendant may:***

(a) Except as otherwise provided in this paragraph, trim or cut the fingernails or toenails of a client. An attendant shall not trim or cut the toenails of a client if the client's physician or other provider of health care has indicated that the client's toenails must be trimmed only by a person who is licensed to practice podiatry pursuant to chapter 635 of NRS or a nail technologist licensed pursuant to chapter 644A of NRS. If the client has been diagnosed with diabetes, the attendant shall consult with the client's physician or other provider of health care before trimming or cutting the toenails of the client.

(b) Except as otherwise provided in this paragraph, assist a client with physical exercises, including, without limitation, exercises for strength training and exercises designed to help with balance, flexibility, endurance and range of motion. An attendant shall not assist a client with any exercises in which the physician or other provider of health care of the client has determined that the client should not participate.

(c) Assist a client with scheduling and attending medical and nonmedical appointments.

(d) In accordance with the requirements of federal and state law and regulations concerning protected health information, communicate and share information pursuant to this subsection, including, without limitation:

(1) Communicating with the office of a physician or other provider of health care or accompanying a client to the office of a physician or other provider of health care to:

(I) Provide information concerning the client, including, without limitation, medical information, to the physician or other provider of health care; and

(II) Receive information concerning the client, including, without limitation, medical information, from the physician or other provider of health care.

(2) Sharing any information received pursuant to subparagraph (1) with the client, a representative of the client or a person named as an attorney-in-fact in a power of attorney executed by the client.

7. The training described in this section must be provided by:

(a) A physician, physician assistant or licensed nurse;

(b) For the training described in paragraph (b) or (c) of subsection 1 of ~~[~~NRS 449.0304,~~]~~ ***section 14 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 920,*** a registered pharmacist; or

(c) An employee of the residential facility who has:

(1) Received training pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 5, as applicable, from a physician, a physician assistant, a licensed nurse or, if applicable, a registered pharmacist;

(2) At least 1 year of experience performing the task for which he or she is providing training; and

(3) Demonstrated competency in performing the task for which he or she is providing training.

~~[7.]~~ ***8.*** Any training described in this section must include, without limitation:

(a) Instruction concerning how to accurately perform the task for which the attendant is being trained in conformance with nationally recognized infection control guidelines which may include, without limitation, guidelines published by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(b) Instruction concerning how to accurately interpret the information obtained from performing the task; and

(c) A description of any action, including, without limitation, notifying a physician, that must be taken based on such information.

Sec. 62. NAC 449.3978 is hereby amended to read as follows:

449.3978 1. The administrator of an agency shall ensure that each attendant working for the agency is working within the attendant's scope of service and conducts himself or herself in a professional manner. An attendant is prohibited from providing any of the services listed in subsection 2 to a client.

2. The services an attendant must not provide to a client include, without limitation:

(a) Insertion or irrigation of a catheter;

(b) Irrigation of any body cavity, including, without limitation, irrigation of the ear, insertion of an enema or a vaginal douche;

(c) Application of a dressing involving prescription medication or aseptic techniques, including, without limitation, the treatment of moderate or severe conditions of the skin;

(d) Except as authorized by NAC 449.39775, administration of injections of fluids into veins, muscles or the skin;

(e) ~~[Except as authorized by NAC 449.39775, administration of medication, including, without limitation, the insertion of rectal suppositories, the application of a prescribed topical lotion for the skin and the administration of drops in the eyes;~~

~~(f)]~~ Performing physical assessments;

~~[(g)]~~ ***(f)*** Using specialized feeding techniques;

~~[(h)]~~ ***(g)*** Performing a digital rectal examination;

~~[(i) Trimming or cutting toenails;~~

~~(j)]~~ ***(h)*** Massage;

~~[(k) Providing specialized services to increase the range of motion of a client;~~

~~(l) Providing medical case management, including, without limitation, accompanying a client to the office of a physician to provide medical information to the physician concerning the client or to receive medical information from the physician concerning the client;]~~ and

~~[(m)]~~ ***(i)*** Any task identified in chapter 632 of NRS and the regulations adopted by the State Board of Nursing as requiring skilled nursing care, except any services that are within the scope and practice of a certified nursing assistant.

Sec. 63. NAC 449.4079 is hereby amended to read as follows:

449.4079 The facility must:

1. Provide each client with such assistance as necessary for the activities of daily living;

2. Provide activities for a client which are suited to his or her interests and capacities;

3. Observe the health of the client and notify his or her next of kin, guardian, or other person responsible for the client of any significant change in his or her physical or mental condition;

4. Establish procedures for the administration of medication to clients, either directly by the client or by an employee at the facility;

5. Provide fluids to clients as necessary to prevent dehydration;

6. Have at least one employee on the premises at all times who is ~~[trained]~~ ***certified*** to administer first aid and cardiopulmonary resuscitation ~~[;]~~ ***in accordance with the requirements of section 2 of this regulation;***

7. Provide information to a client about other local, state and federal agencies in the area that may be able to assist the client and his or her family; and

8. Prepare a monthly calendar of activities at the facility and distribute the calendar to clients and their families.

Sec. 64. NAC 449.410 is hereby amended to read as follows:

449.410 As used in NAC 449.410 to 449.4495, inclusive, unless the context otherwise requires, the words and terms defined in NAC 449.4105 ~~[, 449.411]~~ and 449.4115 have the meanings ascribed to them in those sections.

Sec. 65. NAC 449.4506 is hereby amended to read as follows:

449.4506 The administrator of a facility shall ensure that:

1. The facility is adequately staffed with qualified personnel who:

(a) Meet the needs of and ensure the safety of each person who visits the facility; and

(b) Satisfy any applicable statutory requirements for the provision of care.

2. The facility employs at least one full-time registered nurse licensed pursuant to chapter 632 of NRS to supervise and manage the care provided to patients in the facility.

3. At least one registered nurse who is employed by the facility is present in the facility at all times that any patient is present in the facility.

4. Each member of the staff who provides patient care is adequately trained in emergency procedures and is currently certified to perform first aid and cardiopulmonary resuscitation ~~[.]~~ ***in accordance with the requirements of section 2 of this regulation.*** At least one member of the staff who is trained in emergency procedures and who has obtained the advanced certificate in first aid and adult cardiopulmonary resuscitation ~~[issued by the American Red Cross or an equivalent certification]~~ ***in accordance with the requirements of section 2 of this regulation*** must be present in the facility whenever any patient is present in the facility.

5. A separate personnel file is established and maintained for each member of the staff of the facility that includes:

(a) Proof of any training relating to emergency response required by the facility pursuant to the policies and procedures established by the facility pursuant to NAC 449.451;

(b) Such health records as are required by chapter 441A of NAC which include evidence that the member of the staff employed by the facility or under contract with the facility has had a skin test for tuberculosis in accordance with NAC 441A.375; and

(c) Evidence that the member of the staff employed by the facility or under contract with the facility has obtained any license, certificate or registration, and possesses the experience and qualifications, required for the position held by that person.

Sec. 66. NAC 449.546 is hereby amended to read as follows:

449.546 1. If an advanced practice registered nurse or a physician assistant provides treatment for a patient of a facility, the facility shall ensure that there is evidence of communication with the treating physician of the patient if the advanced practice registered nurse or physician assistant changes any order for treatment in accordance with the provisions of chapter 630 ***,*** ~~[or]~~ 632 ***or 633*** of NRS.

2. An advanced practice registered nurse or a physician assistant specified in subsection 1 may not replace the treating physician of the patient concerning:

(a) Participation in planning for the care of the patient; or

(b) Activities conducted at the facility to ensure the quality of the facility.

3. If a medical emergency occurs concerning a patient of a facility, the treating physician for that patient:

(a) Must be immediately notified; and

(b) Shall direct the provision of care for the patient during the emergency.

Sec. 67. NAC 449.553 is hereby amended to read as follows:

449.553 1. Each physician who is a member of the medical staff of a facility must be licensed to practice medicine in this State.

2. The membership of the medical staff of a facility may include a nephrologist or any other physician who has training or demonstrated experience in providing care for a patient who is diagnosed with end-stage renal disease.

3. If a facility employs an advanced practice registered nurse or a physician assistant:

(a) The advanced practice registered nurse must be qualified in accordance with the provisions of chapter 632 of NRS; and

(b) The physician assistant must be qualified in accordance with the regulations adopted by the Board of Medical Examiners ~~.~~ ***or the State Board of Osteopathic Medicine, as applicable.***

Sec. 68. NAC 449.5745 is hereby amended to read as follows:

449.5745 The supervising nurse or a registered nurse of a facility who qualifies as an instructor for the facility shall complete a written list to determine the knowledge and skills of each dialysis technician in performing the following activities:

1. Assembling supplies required to provide treatment to a patient of the facility;
2. Preparing dialysate according to procedure and dialysis prescription;
3. Assembling and preparing the dialysis extracorporeal circuit;
4. Securing the correct dialyzer for the patient;
5. Installing and rinsing the dialyzer and all required tubing for the dialyzer;
6. Testing monitors and alarms, conductivity and, if applicable, testing for the presence or absence of residual sterilants;
7. Setting monitors and alarms in accordance with the protocols of the facility and the instructions of the manufacturer of the monitor or alarm;
8. Obtaining predialysis vital signs, weight and temperature of a patient of the facility in accordance with the protocols of the facility and, after obtaining that information, notifying the supervising nurse or registered nurse of all unusual findings;
9. Inspecting the dialysis access of the patient for patency and, after cannulation is performed and heparin is administered, initiating dialysis in accordance with the patient's prescription, observing universal precautions and reporting all unusual findings to the supervising nurse or registered nurse;

10. Adjusting the rate of the flow of blood in accordance with the protocols of the facility and the prescription of the patient;

11. Calculating and setting the dialysis machine to allow the removal of fluid at a rate established in accordance with the protocols of the facility and the prescription of the patient;

12. Monitoring the patient and equipment during treatment, responding appropriately to the requirements of the patient and to machine alarms, and reporting all unusual occurrences to the supervising nurse or registered nurse;

13. Changing the rate of the removal of fluid, placing the patient in the Trendelenburg position and administering replacement normal saline as directed by:

(a) The supervising nurse or registered nurse;

(b) An order of a physician; or

(c) The protocols of the facility;

14. Documenting all findings and actions in accordance with the protocols of the facility;

15. Describing the appropriate response to:

(a) Emergencies relating to dialysis, including, without limitation, cardiac or respiratory arrest, needle displacement or infiltration, clotting, blood leaks or air emboli; and

(b) Nonmedical emergencies, including, without limitation, power outages or equipment failures;

16. Discontinuing dialysis and establishing hemostasis, including:

(a) Inspecting, cleaning and dressing the dialysis access of the patient in accordance with the protocols of the facility; and

(b) Reporting all unusual findings or occurrences to the supervising nurse or registered nurse;

17. Obtaining and recording the temperature, weight and postdialysis vital signs of the patient and reporting all unusual findings to the supervising nurse or registered nurse;

18. Discarding supplies and sanitizing the equipment and treatment chair in accordance with the protocols of the facility;

19. Communicating all emotional, medical, psychological or nutritional concerns of the patient to the supervising nurse or registered nurse;

20. Obtaining current certification in cardiopulmonary resuscitation ~~[;]~~ ***in accordance with the requirements of section 2 of this regulation;*** and

21. Maintaining professional conduct, good communication skills and confidentiality concerning the care of the patients of the facility.

Sec. 69. NAC 449.6122 is hereby amended to read as follows:

449.6122 Anesthesia during open-heart surgery at an approved hospital must be administered by an anesthesiologist who:

1. Is certified by or who is eligible for certification by the American Board of ~~[Anesthesiologists;]~~ ***Anesthesiology, or its successor organization;*** and

2. Has special training or experience in the administration of anesthesia in open-heart surgery.

Sec. 70. NAC 449.61378 is hereby amended to read as follows:

449.61378 1. Each independent center for emergency medical care shall provide basic radiological services performed by a person who is certified by the American Registry of ~~[Radiological]~~ ***Radiologic*** Technologists ***, or its successor organization,*** or a person who has

equivalent qualifications. Radiological services must be available during all hours of operation of the center to meet the needs of its patients and medical staff.

2. All X-ray films requested by a physician at an independent center for emergency medical care must be interpreted by a radiologist. The radiologist shall provide a final report for each X-ray film signed by the radiologist which must be filed with the medical record of the patient. A duplicate copy of the report must be kept within the radiology department of the center. Any positive or abnormal results from the X-ray report must be reported to the patient and the physician who requested the X-ray.

3. All X-ray reports and roentgenograms must be preserved or microfilmed for at least the length of time specified in the applicable statute of limitations governing medical malpractice.

Sec. 71. NAC 449.74347 is hereby amended to read as follows:

449.74347 1. Each facility shall provide health services which ensure that each patient receives treatment, prescribed medication, adequate diets and other health services consistent with each program administered by the facility.

2. There must be policies and procedures designed to ensure the early detection of complications or conditions considered to be common among persons with alcohol or other substance use disorders and persons with mental illness.

3. The policies and procedures must be developed with assistance from and approved by the medical director of the facility.

4. Policies and procedures must be developed and implemented to ensure the early detection of patients at risk for suicide. The policies and procedures must be developed with assistance from and approved by the medical director of the facility and a psychiatrist.

5. Before a patient is admitted to a facility, a general medical and psychological assessment, including an assessment of suicide risk and a drug history of the patient, must be taken by a physician, a physician assistant, an advanced practice registered nurse or a designated member of the nursing staff of the facility who has psychiatric experience. The drug history of the patient must include, without limitation:

(a) Drugs used in the past;

(b) Drugs used recently;

(c) Drugs of preference;

(d) Frequently used drugs;

(e) Drugs used in combination;

(f) Dosages used;

(g) Date of first usage;

(h) Incidents of overdose, withdrawal or adverse drug reactions;

(i) Previous history of treatment; and

(j) History of mental illness and treatment.

6. Except as otherwise provided in subsection 7, a physical examination and review of the medical and drug history of a patient must be conducted by a physician, nurse practitioner or physician assistant within 24 hours after the patient is admitted to a facility.

7. If the assessment conducted in accordance with subsection 5 concludes that a physical examination of the patient should be completed within less than 24 hours after the patient is admitted, the physical examination must be conducted within the time recommended in the assessment.

8. Each facility shall have written policies and procedures defining the appropriate action to be taken when a medical emergency arises. The policies and procedures must be reviewed and approved by the medical director of the facility.

9. Staff providing patient care must be ~~[qualified by the American Red Cross or another similar nationally recognized agency]~~ ***certified*** to administer cardiopulmonary resuscitation ~~[.]~~ ***in accordance with the requirements of section 2 of this regulation.***

10. Each patient of a facility must be tested for tuberculosis as required by the provisions of chapter 441A of NAC.

11. First-aid supplies must be maintained and readily available at each facility.

12. A facility that provides laboratory testing shall do so in compliance with the provisions of chapter 652 of NRS and chapter 652 of NAC.

13. If a facility has no provisions for the isolation of a patient diagnosed with an infectious disease, the patient must be transferred to a facility that provides such service. The decision to transfer the patient must be made by the medical director of the facility or his or her designee.

Sec. 72. NAC 449.74349 is hereby amended to read as follows:

449.74349 1. Mental health services provided by a facility must be supervised by a psychiatrist or a psychologist who has a master's degree in clinical or counseling psychology. The mental health staff of the facility must be adequate in number and qualified to carry out their assigned responsibilities.

2. The mental health staff may assist in:

(a) Diagnosis and testing;

(b) Program development and evaluation;

(c) In-service training; and

(d) Therapeutic activity in group settings or one-on-one therapeutic activity.

3. Mental health services must be provided by a staff member of the facility who:

(a) Has a master's degree in clinical or counseling psychology;

(b) Is an advanced practice registered nurse with at least 2 years of clinical practice in the field of psychiatric nursing or nursing related to the treatment of alcohol or other substance use disorders; or

(c) Is licensed as a clinical social worker in accordance with the provisions of chapter 641B of NRS.

4. A psychiatrist licensed in accordance with the provisions of chapter 630 ***or 633*** of NRS must be available at each facility to approve mental health service policies and procedures and to provide consultation for patients who need mental health services.

Sec. 73. NAC 449.74357 is hereby amended to read as follows:

449.74357 1. Each facility shall have the proper equipment for the sanitary washing and finishing of linen and other washable goods or shall maintain a written agreement with a commercial establishment to provide proper laundry services.

2. The laundry area of a facility must be situated in an area of the facility that is separate and apart from any room where food is stored, prepared or served. The laundry area must be well-lighted, ventilated, adequate in size to house equipment, maintained in a sanitary manner and kept in good repair.

3. Soiled linen must be collected and transported to the laundry in washable or disposable containers in a sanitary manner. Soiled linen must not be transported through areas of the facility used for preparing or serving food.

4. Clean linen to be dried, ~~[ironed,]~~ folded, transferred or distributed must be handled in a sanitary manner in accordance with a written plan maintained by the facility.

5. Closets for storing linen and laundry supplies must be provided and must not be used for any other purpose.

Sec. 74. NAC 449.74417 is hereby amended to read as follows:

449.74417 1. The governing body of a facility for skilled nursing shall appoint a qualified administrator for the facility.

2. The administrator ~~[:~~

~~(a) Must be licensed under the provisions of chapter 654 of NRS; and~~

~~(b) Is]~~ ***is*** responsible for the management of the facility.

3. A facility for skilled nursing must be administered in a manner that enables it to use its resources effectively and efficiently in order to attain and maintain the highest practicable physical, mental and psychosocial well-being of each patient.

Sec. 75. NAC 449.74447 is hereby amended to read as follows:

449.74447 1. A facility for skilled nursing shall not prohibit a patient in the facility from contacting, receiving information from or speaking to:

(a) A representative of the Bureau.

(b) The patient's physician ~~[.]~~ ***or other provider of health care.***

(c) Any person who advocates for the rights of the patients of the facility, including, without limitation:

(1) Advocates for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS; and

(2) Persons who advocate for and are responsible for the protection of persons with developmental disabilities or who are mentally ill.

(d) Any person who provides health care, social, legal or other services to the patient.

(e) The relatives of the patient.

(f) Any other persons with whom the patient wishes to visit.

2. ~~[The provisions of this section do not prohibit a]~~ ***A*** facility for skilled nursing ~~[from adopting reasonable restrictions]~~ ***shall comply with the provisions of 42 C.F.R. § 483.10(f)(4)*** relating to the visitation of patients.

3. A facility for skilled nursing shall not prohibit an advocate for residents of facilities for long-term care appointed pursuant to chapter 427A of NRS from examining the medical records of a patient of the facility in accordance with state law and with the permission of the patient or the patient's legal representative.

Sec. 76. NAC 449.793 is hereby amended to read as follows:

449.793 1. The governing body or other entity responsible for the operation of a home health agency shall appoint a committee to provide for a quarterly review of 10 percent of the records of patients who have received services from the agency during the preceding 3 months in each service area. The members of the committee must include ~~[an]~~ ***:***

(a) An administrative representative ~~[, a]~~ ***;***

(b) A physician, a ***physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse;***

(c) A registered nurse ***;*** and ~~[a]~~

(d) A clerk or librarian who keeps records.

2. The clerk or librarian of the committee shall review the clinical records to ensure that they are complete, that all forms are properly filled out and that documentation complies with good medical practices.

3. The committee shall:

(a) Determine whether the services have been provided to the patients in an adequate and appropriate manner by all levels of service; and

(b) Record any deficiencies and make necessary recommendations to the administrator.

4. If ~~[the branch offices of]~~ a home health agency ~~[are small,]~~ ***has branch offices,*** two or more offices may establish one committee to review cases from each area.

5. The committee shall ensure that minutes of the committee's meetings are documented and make the minutes available to personnel of the Division for review upon request.

Sec. 77. NAC 449.818 is hereby amended to read as follows:

449.818 1. An application for a provisional license must be submitted to the Division on a form furnished by the Division accompanied by a nonrefundable fee of $100 and must include:

(a) For an applicant who is a natural person:

(1) ~~[Three]~~ ***One*** or more letters of professional reference ~~[;]~~ ***that include valid contact information for the person providing the reference;***

(2) A certification, signed by the applicant, that the applicant will maintain the confidentiality of information relating to any person who receives services;

(3) Proof that the applicant ~~[has successfully completed a course]~~ ***is certified*** in ***first aid and*** cardiopulmonary resuscitation ~~[according to]~~ ***in accordance with*** the ~~[guidelines of the American Red Cross or American Heart Association;]~~ ***requirements of section 2 of this regulation;***

(4) ~~[Proof that the applicant is currently certified in standard first aid through a course from the American Red Cross or American Heart Association or, if the applicant submits proof that the course meets or exceeds the requirements of the American Red Cross or the American Heart Association, an equivalent course in standard first aid;~~

~~(5)]~~ Written verification, on a form prescribed by the Division, that the fingerprints of the applicant were taken and forwarded electronically or by another means directly to the Central Repository for Nevada Records of Criminal History and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary for reports on the applicant's background to the Division and the applicant;

~~[(6)]~~ ***(5)*** A copy of the social security card of the applicant;

~~[(7)]~~ ***(6)*** A copy of a form of government-issued identification, which may include, without limitation, a passport, identification card or driver's license;

~~[(8)]~~ ***(7)*** An attestation that the applicant has sufficient working capital to effectively provide services and, if the applicant proposes to provide services in a facility, operate the facility;

~~[(9)]~~ ***(8)*** If applicable, ~~[a copy of]~~ the ~~[applicant's]~~ ***business identification number assigned by the Secretary of State, unless the applicant is exempt from the requirement to obtain a*** state business license **,** and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license; and

~~[(10)]~~ ***(9)*** Any other information required by the Division.

(b) For an applicant other than a natural person:

(1) If applicable, ~~[a copy of]~~ the ***business identification number assigned by the Secretary of State, unless the applicant is exempt from the requirement to obtain a*** state business license **,** ~~[of the organization]~~ and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license;

(2) The federal tax identification number of the organization;

(3) ~~[A copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, constitution and any other substantially equivalent documents of the applicant, and any amendments thereto;~~

~~(4)]~~ A list of the members of the governing body of the applicant;

~~[(5)]~~ ***(4)*** If the applicant is an association or a corporation:

(I) The name, title and principal business address of each officer and member of its governing body;

(II) The signature of the chief executive officer or an authorized representative; and

(III) If the applicant is a corporation, the name and address of each person holding more than 10 percent of its stock;

~~[(6)]~~ ***(5)*** For each member of the governing body:

(I) ~~[Three]~~ ***One*** or more letters of professional reference ~~[;]~~ ***that include valid contact information for the person providing the reference;*** and

(II) Written verification, on a form prescribed by the Division, that the fingerprints of the member of the governing body were taken and forwarded electronically or by another means directly to the Central Repository for Nevada Records of Criminal History and that the member of the governing body has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary for reports on the member's background to the Division and the applicant;

~~[(7)]~~ ***(6)*** An attestation that the applicant has sufficient working capital to effectively provide services and, if the applicant proposes to provide services in a facility, operate the facility;

~~[(8)]~~ ***(7)*** Copies of any policies and procedures of the applicant relating to the provision of services; and

~~[(9)]~~ ***(8)*** Such other information as may be required by the Division.

2. An applicant for a provisional license shall post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

3. As used in this section:

(a) "Electronic signature" means a user name attached to or logically associated with a record and executed or adopted by a person with the intent to sign an electronic application or other document.

(b) "Signature" includes, without limitation, an electronic signature.

Sec. 78. NAC 449.831 is hereby amended to read as follows:

449.831 Each employee or independent contractor of a provider who provides services must ~~[:~~

~~1. Be]~~ ***be*** currently certified in ~~[standard]~~ first aid ~~[through a course from the American Red Cross or American Heart Association or their successor organizations or, if the applicant submits proof that the course meets or exceeds the requirements of the American Red Cross or the American Heart Association or their successor organizations, an equivalent course in standard first aid;]~~ and ~~[~~

~~2. Have successfully completed a course in]~~ cardiopulmonary resuscitation ~~[according to]~~ ***in accordance with*** the ~~[guidelines of the American Red Cross or American Heart Association or their successor organizations.]~~ ***requirements of section 2 of this regulation.***

Sec. 79. NAC 449.8385 is hereby amended to read as follows:

449.8385 1. Except as otherwise provided in subsection 2, a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services shall:

(a) Complete not less than 16 hours of training concerning the provision of community-based living arrangement services to persons with mental illness within 30 days after the date of hire or before providing services to a patient, whichever is later; and

(b) Annually complete not less than 8 hours of continuing education approved by the Division concerning the particular population served by the provider.

2. If the Board determines that a person described in subsection 1 is required to receive training or continuing education substantially equivalent to that prescribed in that subsection as a condition of licensure or certification under title 54 of NRS, the person is not required to complete the training or continuing education, as applicable, required by subsection 1.

3. If a ~~[caregiver]~~ ***natural person responsible for the operation of a provider of community-based living arrangement services or an employee of a provider of community-based living arrangement services*** assists a recipient of community-based living arrangement services in the administration of any medication, including, without limitation, an over-the-counter medication or dietary supplement, the caregiver must:

(a) Before assisting a resident in the administration of a medication, ~~[receive]~~ ***successfully complete*** not less than 16 hours of training in the management of medication ***from a course*** approved by the Division ~~[, which must consist of not less than 12 hours of classroom training~~

~~and not less than 4 hours of practical training,]~~ ***pursuant to section 12 of LCB File No. R043-22*** and obtain a certificate attesting to the completion of such training; ***and***

(b) ~~[Receive]~~ ***Successfully complete*** annually ***from a course approved by the Division pursuant to section 12 of LCB File No. R043-22*** not less than 8 hours of training in the management of medication and provide the provider of community-based living arrangement services with satisfactory evidence of the content of the training and his or her ~~[attendance at]~~ ***completion of*** the training ***.*** ~~[; and~~

~~(c) Annually pass an examination relating to the management of medication approved by the Bureau.]~~

Sec. 80. NAC 449.847 is hereby amended to read as follows:

449.847 1. A provider who operates a facility shall:

(a) Furnish each common area with comfortable furniture.

(b) Provide a dining area with a sufficient number of tables and chairs to provide seating for the number of residents for which the facility is certified. The tables and chairs must be sturdy, of proper height for dining and have surfaces that are easily cleaned.

(c) Provide a kitchen that allows for the sanitary preparation of food and is furnished with equipment that is clean and in good working condition.

(d) Ensure that all perishable food is refrigerated at a temperature of 41 degrees Fahrenheit or less, all frozen food is kept at a temperature of 0 degrees Fahrenheit or less and all stored foods have not expired.

(e) Ensure that food is not stored for longer than the length of time recommended by the United States Department of Health and Human Services in ~~[“Storage Times for the Refrigerator~~

~~and Freezer,"]~~ ***"Cold Food Storage Chart"*** which is hereby adopted by reference. This chart may be obtained:

(1) From the United States Department of Health and Human Services for free at 200 Independence Avenue, S.W., Washington, D.C. 20201, and at the Internet address ~~[https://www.foodsafety.gov/keep/charts/storagetimes.html;]~~ ***https://www.foodsafety.gov/food-safety-charts/cold-food-storage-charts;*** or

(2) Under the circumstances described in subsection 4, on an Internet website maintained by the Division.

2. Except as otherwise provided in this section, the most current version of the guidelines adopted by reference pursuant to paragraph (e) of subsection 1 which is published will be deemed to be adopted by reference.

3. If the Division determines that an update of or revision to the guidelines adopted by reference pursuant to paragraph (e) of subsection 1 are not appropriate for use in the State of Nevada, the Division shall present this determination to the State Board of Health and the State Board of Health will not adopt the update or revision, as applicable.

4. If the guidelines adopted by reference pursuant to paragraph (e) of subsection 1 cease to exist, the last version of the guidelines that was published shall be deemed to be the current version.

Sec. 81. NAC 449.852 is hereby amended to read as follows:

449.852 1. A provider who operates a facility ~~[:~~

~~(a) Shall maintain a policy concerning visitation by family, friends or acquaintances of residents and employees who enter the facility.~~

~~(b) Shall~~ ***shall*** not allow a minor child of the provider or an employee of the provider to be present at the facility when services are provided.

2. A child of a resident may visit the resident in accordance with the policy ~~[maintained]~~ ***developed*** pursuant to ~~[subsection 1]~~ ***section 7 of this regulation*** and the individualized plan prepared pursuant to NAC 449.835 for the resident.

Sec. 82. NAC 449.880 is hereby amended to read as follows:

449.880 Each attendant of an employment agency must:

1. Be at least 18 years of age;

2. Provide to the Division, upon request, documentation that the attendant has taken the tests and obtained the certificates required by NAC 441A.375;

3. Be responsible and mature and exhibit empathy, listening skills and other personal qualities which will enable the attendant to understand the problems of elderly persons and persons with disabilities;

4. Understand the provisions of this chapter and ***the*** chapter ~~[449]~~ of NRS ~~[;]~~ ***consisting of sections 2 to 90, inclusive, of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at pages 917-955;***

5. Demonstrate the ability to read, write, speak and communicate effectively in the English language with the clients of the employment agency;

6. Demonstrate the ability to meet the needs of the clients of the employment agency; and

7. Within the 12 months immediately preceding the date on which the attendant begins providing nonmedical services to a client and annually thereafter, complete not less than 8 hours of training related to providing for the needs of the clients of the employment agency and

limitations on the nonmedical services provided by the employment agency. The training must include, without limitation, training concerning:

(a) Duties and responsibilities of attendants and the appropriate techniques for providing nonmedical services;

(b) Recognizing and responding to emergencies, including, without limitation, fires and medical emergencies;

(c) Dealing with the adverse behaviors of clients;

(d) Nutrition and hydration, including, without limitation, special diets and meal preparation and service;

(e) Bowel and bladder care, including, without limitation, routine care associated with toileting, routine maintenance of an indwelling catheter drainage system such as emptying the bag and positioning of the system, routine care of colostomies such as emptying and changing the colostomy bag, signs and symptoms of urinary tract infections and common bowel problems, including, without limitation, constipation and diarrhea;

(f) Methods for preventing skin breakdown, contractures and falls;

(g) Handwashing and infection control;

(h) Basic body mechanics, mobility and techniques for transferring clients;

(i) Proper techniques for bathing clients;

(j) The rights of clients and methods to protect the confidentiality of information concerning clients as required by federal and state law and regulations;

(k) The special needs of elderly persons and persons with disabilities and sensory, physical and cognitive changes related to the aging process;

(l) Maintenance of a clean and safe environment; ~~[and]~~

(m) ***Recognizing and preventing the abuse of older persons and vulnerable persons that meets the requirements of NRS 449.093 or section 31 of Assembly Bill No. 519, chapter 158, Statutes of Nevada 2025, at page 926, as applicable, for an employee who will provide care to a person in a facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups or home for individual residential care; and***

(n) First aid and cardiopulmonary resuscitation ~~[. A certificate]~~ ***that culminates in the attendant being certified*** in first aid and cardiopulmonary resuscitation ~~[issued to]~~ ***in accordance with*** the ~~[attendant by the American Red Cross, its successor organization, or an organization determined by the Division to be equivalent shall be deemed adequate proof that the attendant has received the training required by this paragraph.]~~ ***requirements of section 2 of this regulation.***

Sec. 83. NAC 449.97036 is hereby amended to read as follows:

449.97036 1. In addition to complying with the requirements set forth in NRS 449A.100 to 449A.118, inclusive, a parent facility or independent facility that is issued a license to operate a mobile unit shall ensure that each patient who receives services at the mobile unit is:

(a) Treated with respect, consideration and dignity;

(b) Provided appropriate privacy;

(c) Informed of:

(1) His or her rights as a patient in accordance with NRS ~~[449.730;]~~ ***449A.118;***

(2) Before admission to the mobile unit, each service that is available at the mobile unit and the estimated cost of the service; and

(3) Any supplies, medication or equipment that the patient may require after receiving the service; and

(d) Allowed to participate in any decision relating to any health care the patient receives at the mobile unit, unless the patient is unable to participate in that decision because of his or her medical condition.

2. If a patient of a mobile unit is unable to understand any information relating to his or her rights as a patient provided to him or her pursuant to subsection 1, the person who is responsible for the provision of services at the mobile unit shall provide that information to an appropriate person who is responsible for the patient. For each patient who is informed of his or her rights as a patient pursuant to this section, the person who is responsible for the provision of services at the mobile unit shall:

(a) Prepare a written statement indicating that he or she informed the patient of those rights; and

(b) Include the statement in the medical record of the patient that is maintained by the mobile unit.

Sec. 84. NAC 449.97042 is hereby amended to read as follows:

449.97042 1. A hospital shall not operate a mobile unit as a primary source for providing a service specified in NRS 449.012 except during an emergency.

2. A parent facility or independent facility that is issued a license to operate a mobile unit shall not use the mobile unit to provide any service for which the mobile unit is not licensed,

regardless of whether the mobile unit is operated by a person other than the parent facility or independent facility.

3. An independent facility that is issued a license to operate a mobile unit shall:

(a) Maintain an office in this State;

(b) Ensure that the office remains open during normal business hours;

(c) Ensure that any schedule, record or other information that the independent facility or mobile unit is required to maintain pursuant to NAC 449.970 to 449.97042, inclusive, is maintained at the office of the independent facility; and

(d) Not use the office of the independent facility to provide any service for which the mobile unit is licensed, unless the owner or operator of the independent facility is a physician licensed pursuant to chapter 630 ***or 633*** of NRS and uses the office to provide medical services to his or her patients.

4. If a mobile unit is operated pursuant to a contract, the parent facility or independent facility of the mobile unit:

(a) Is liable for any failure by the operator of the mobile unit to comply with any provision of NRS 449.001 to 449.240, inclusive, or the standards and regulations adopted by the State Board of Health concerning the operation and maintenance of the mobile unit;

(b) Shall maintain on the premises of the parent facility or independent facility a record satisfactory to the Division setting forth the services provided by the mobile unit pursuant to the contract and the name of each person who is responsible for the provision of services at the mobile unit;

(c) Shall ensure that any procedure conducted or service provided by the mobile unit is conducted or provided in accordance with the standard of acceptable practice for the procedure or service; and

(d) Shall ensure that the owner or operator of the mobile unit makes the mobile unit available for inspection by the Division pursuant to NRS 449.0307, 449.131 and 449.132.

Sec. 85. Section 10 of LCB File No. R043-22 is hereby amended to read as follows:

Sec. 10. "Course" means a course of training in the administration of medication offered to satisfy the requirements of NAC 449.196, 449.2726 ***,*** ~~[and]~~ 449.2742 and ***449.8385,*** section 15 of LCB File No. R043-22 ~~[.]~~ ***and section 14 of this regulation.***

Sec. 86. Section 13 of LCB File No. R043-22 is hereby amended to read as follows:

Sec. 13. 1. A course must:

(a) Be conducted entirely in English and consist of:

(1) At least 16 hours of training in the management of medication, consisting of not less than 12 hours of classroom training and not less than 4 hours of practical training; or

(2) At least 8 hours of refresher or remedial training in the management of medication.

(b) Include, without limitation, instruction concerning:

(1) The duties, responsibilities and authorized activities of a ~~[caregiver]~~ ***person*** who administers or assists with the administration of medication to residents ~~[.]~~ ***, recipients or clients, as applicable;***

(2) Common abbreviations used by physicians, physician assistants, advanced practice registered nurses and pharmacists when writing prescriptions and instructions for using medications;

(3) Following a plan for managing the administration of medications maintained by a residential facility pursuant to paragraph (d) of subsection 1 of NAC 449.2742 and any other policies ***of a residential facility, a provider of community-based living arrangement services or an agency to provide personal care services in the home*** concerning ordering new prescriptions, reordering existing prescriptions, requesting refills, storage and handling of different types of medication, destruction of medication in accordance with subsection 9 of NAC 449.2742 and maintaining a log of medication deliveries;

(4) Common classifications of medications, including, without limitation, generic, brand name, statins, blood thinners, nitroglycerin, laxatives, antihistamines, antibiotics, bronchodilators, diuretics, antihypertensives, analgesics, antidepressants, anti-anxiety, sedatives, hypnotics, antipsychotics, anti-ulcer, anti-osteoporosis, eye drops and ear drops;

(5) Controlled substances and other medications commonly prescribed to residents ~~[.]~~ ***, recipients and clients;***

(6) Types of orders commonly given by physicians, physician assistants and advanced practice registered nurses;

(7) Routes by which medication can be administered, including, without limitation, oral, sublingual, transdermal, topical, otic and ophthalmic;

(8) Types of packaging for medication, including, without limitation, bottles, bubble packs, blister packs and patches;

(9) Forms of medication, including, without limitation, tablet, capsule, cream, elixir, enteric-coated tablet, fast-dissolving tablet, gel capsule, powder, inhaler, ointment, solution, suspension and transdermal patch;

(10) Allergies, interactions between drugs, contraindications, side effects, adverse reactions and toxicity;

(11) Reading the medication label;

(12) The importance of:

(I) Administering medications as prescribed, including, without limitation, the effect of the manner in which medication is administered on the level of medication in the bloodstream and the therapeutic effect of the medication; and

(II) Ensuring that over-the-counter medications and dietary supplements are administered only as authorized by NAC 449.2742 ~~[,]~~ ***or 449.8415 or section 14 of this regulation, as applicable;***

(13) Determining the schedule for administering a medication based on the instructions provided by the prescribing physician, physician assistant or advanced practice registered nurse;

(14) The rights of a resident ***, recipient or client*** concerning the administration of medication;

(15) Verifying before and during the administration of medication that:

(I) The medication is being administered to the correct resident ~~[,]~~ ***, recipient or client;***

(II) The correct medication is being administered to the resident ~~[,]~~ ***, recipient or client;***

(III) The dosage of the medication is correct;

(IV) The medication is being administered according to the schedule established by the prescribing physician, physician assistant or advanced practice registered nurse;

(V) The medication is being administered through the correct route; and

(VI) The administration of the medication is documented properly;

(16) Checking the name of the resident ***, recipient or client*** receiving medication, the strength and dosage of the medication and the frequency of administration against the order or prescription, the record of the administration of the medication maintained pursuant to NAC 449.2744 ***or 449.8415 or section 14 of this regulation, as applicable,*** and the instructions on the container of the medication;

(17) When to cut or crush a pill and the proper procedure for cutting or crushing a pill;

(18) When and how to administer a liquid medication, including, without limitation, measuring the amount of a liquid medication;

(19) Antibiotic therapy and achieving therapeutic levels of an antibiotic in blood serum;

(20) Situations where it is appropriate to administer topical solutions, including, without limitation, antibiotic cream, without an order from a physician, physician assistant or advanced practice registered nurse;

(21) Determining when to administer a medication if the directions provide for administration as needed;

(22) Maintaining a record of medication administration in accordance with NAC 449.2744 ~~[;]~~ ***and 449.8415 and section 14 of this regulation;***

(23) Actions to take if an error is made in the administration of medication;

(24) Signs and symptoms of an allergic reaction to medication and other changes in the condition of a resident ***, recipient or client*** to whom medication is administered that must be reported to a physician, physician assistant or advanced practice registered nurse;

(25) Situations where it is necessary to seek the assistance of providers of emergency medical services;

(26) Assisting residents ***, recipients or clients*** who use oxygen, residents ***, recipients or clients*** who receive kidney dialysis and residents ***, recipients or clients*** with diabetes, dementia, Parkinson's disease and asthma;

(27) Dealing with medication-seeking behavior and other problematic behavior of residents ***, recipients, or clients*** relating to medication;

(28) Assisting residents ***, recipients or clients*** with the self-administration of medication;

(29) Preventing infectious diseases, including, without limitation, proper procedures for hand washing and actions to take when exposed to blood-borne pathogens; and

(30) Finding necessary information concerning medications.

(c) Require a participant in the course to demonstrate competency in:

(1) Washing hands;

(2) Putting on and removing gloves;

(3) Pouring medication and passing the medication to a resident ***, recipient or client*** while performing the duties described in subparagraphs (15) and (16) of paragraph (b);

(4) Assisting with the administration of medication orally, sublingually, topically or through eye drops, ear drops, nose drops or spray and inhalers;

(5) Cutting and crushing pills;

(6) Reading and interpreting the label of a prescription medication;

(7) Labeling over-the-counter medications and nutritional supplements;

(8) Counting the amount of a controlled substance;

(9) Properly storing medications;

(10) Recording the administration of medication in a record of medication administration maintained pursuant to NAC 449.2744 ***or 449.8415 or section 14 of this regulation, as applicable,*** if:

(I) The medication is administered pursuant to a routine schedule; and

(II) The instructions of the prescribing physician, physician assistant or advanced practice registered nurse provide for administration as needed;

(11) Recording an order to discontinue medication in a record of medication administration maintained pursuant to NAC 449.2744 ~~[;]~~ ***or 449.8415 or section 14 of this regulation, as applicable;***

(12) Completing a report documenting an error in the administration of medication;

(13) Documenting the delivery and destruction of medication in a log maintained pursuant to NAC 449.2744 ~~[;]~~ ***or 449.8415 or section 14 of this regulation, as applicable;***

(14) Completing a form to notify the physician, physician assistant or advanced practice registered nurse who prescribed or ordered a medication for a resident ***, recipient or client*** if the resident ***, recipient or client*** refuses or otherwise misses an administration of the medication ~~[as required by]~~ ***in a manner that complies with*** subsection 7 of NAC 449.2742;

(15) Recording a change to an order or prescription in the record of medication administration and on the container of the medication; and

(16) Destroying unused medication in accordance with subsection 9 of NAC 449.2742.

(d) Require a participant in the course to achieve a passing score of at least 80 percent on an examination in order to receive a certificate of completion. The examination must:

(1) Consist of questions prescribed by the Division; and

(2) Be administered in a manner approved by the Division.

(e) Result in the award of a certificate of completion approved by the Division to each person who successfully completes the course, including, without limitation, successfully completing the competency demonstration described in paragraph (c) and achieving a passing score on the examination described in paragraph (d). The certificate must be signed by the instructor and must include, without limitation:

(1) The number of hours of training completed;

(2) The names of the person who completed the course and the instructor;

(3) The date of the training;

(4) The approval code issued by the Division pursuant to section 12 of LCB File No. R043-22; and

(5) The approval code issued by the Division to the instructor of the course pursuant to section 14 of LCB File No. R043-22.

2. A person or entity that offers a course shall:

(a) Ensure that, upon the request of a participant in a course, the participant is provided with the written evaluation of the content and presentation of the course provided to the Division pursuant to paragraph (d) of subsection 1 of section 12 of LCB File No. R043-22 to the participant;

(b) Allow the participant to complete the evaluation; and

(c) Review and consider the completed evaluation.

3. The person or entity that offers a course shall:

(a) Maintain attendance records for the course for at least 2 years after the final date on which the course took place; and

(b) Provide those records to the Division upon request.

Sec. 87. Section 15 of LCB File No. R043-22 is hereby amended to read as follows:

Sec. 15. 1. An instructor must:

(a) Be authorized to use a curriculum concerning the management of medication that is approved by the Division pursuant to section 12 of LCB File No. R043-22;

(b) Have completed:

(1) At least 16 hours of training in the management of medication, consisting of not less than 12 hours of classroom training and not less than 4 hours of practical training, approved by the Division pursuant to section 12 of LCB File No. R043-22 within the year immediately preceding the submission of an application pursuant to section 14 of LCB File No. R043-22; or

(2) At least 16 hours of training in the management of medication, consisting of not less than 12 hours of classroom training and not less than 4 hours of practical training approved by the Division pursuant to section 12 of LCB File No. R043-22, at any time and at least 8 hours of refresher or remedial training in the management of medication approved by the Division pursuant to section 12 of LCB File No. R043-22 within the year immediately preceding the submission of an application pursuant to section 14 of LCB File No. R043-22;

(c) Have the ability to speak, read, write and teach the entire course in the English language;

(d) Have at least 3 years of experience administering medication or supervising the administration of medication in a medical facility or a facility for the dependent or be licensed in

good standing as a physician, physician assistant, advanced practice registered nurse, registered nurse or licensed practical nurse; and

(e) In addition to passing the examination administered pursuant to paragraph (d) of subsection 1 of section 13 of LCB File No. R043-22 at the conclusion of the course completed pursuant to paragraph (b), have achieved a score of at least 80 percent on a comprehensive examination concerning:

(1) The curriculum that the applicant proposes to teach;

(2) Regulations concerning the management of medication; and

(3) Skills for presenting information in person or by videoconference.

2. When teaching a course, the instructor shall:

(a) Utilize and follow the curriculum approved by the Division pursuant to section 12 of LCB File No. R043-22 while providing comprehensive instruction concerning each topic in the curriculum;

(b) Issue certificates of completion only to persons who meet the requirements of paragraph (e) of subsection 1 of section 13 of LCB File No. R043-22;

(c) Protect the integrity of the examination administered pursuant to paragraph (d) of subsection 1 of section 13 of LCB File No. R043-22 by refraining from sharing the questions on the examination and the answers to those questions with any person who is not authorized to view such questions and answers;

(d) Educate himself or herself concerning the provisions of NAC 449.196, 449.2742, 449.2744 ***,*** ~~[and]~~ 449.2746 ***, 449.8385 and 449.8415 and section 14 of this regulation*** and provide accurate information concerning those provisions to participants in the course;

(e) Notify the Division of any changes in the information submitted to the Division as part of an application pursuant to section 14 of LCB File No. R043-22;

(f) Verify the identity of each person who participates in a course of training for which the person provides instruction;

(g) Administer and supervise the examination described in paragraph (d) of subsection 1 of section 13 of LCB File No. R043-22 in a manner approved by the Division; and

(h) Allow employees of the Division to attend the course, with or without prior notice.

Sec. 88. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. For the purposes of subsection 2 of section 4 of this regulation, a person who, on the effective date of this regulation, is employed or otherwise providing services as a mental health technician or psychiatric technician shall be deemed to have commenced such employment or the provision of such services on the effective date of this regulation.

2. Notwithstanding the provisions of sections 2 and 4 of this regulation and the amendatory provisions of sections 24, 26, 30, 32, 33, 49, 51, 52, 54, 59, 60, 63, 65, 68, 71, 77, 78 and 82 of this regulation, any person who is required by the provisions of this regulation and chapter 449 of NAC to be certified in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation and who, on the effective date of this regulation, is not certified in accordance with the requirements of section 2 of this regulation shall be deemed to be in compliance with those requirements if the person obtains certification in accordance with the

requirements of section 2 of this regulation within 180 days after the effective date of this regulation.

3. As used in this section, "mental health technician or psychiatric technician" has the meaning ascribed to it in section 4 of this regulation.

Sec. 89. NAC 449.079, 449.1549, 449.154901, 449.154903, 449.154905, 449.15491, 449.154911, 449.154913, 449.154915, 449.154917, 449.154919, 449.154921, 449.154923, 449.154925, 449.154927, 449.154929, 449.154931, 449.154933, 449.154935, 449.154937, 449.154939, 449.154941, 449.154943, 449.154945, 449.2704, 449.271 and 449.411 are hereby repealed.

TEXT OF REPEALED SECTIONS

449.079 Denial, revocation or suspension of license if facility not certified by Division; appeal. (NRS 449.0302)

1. If a facility is not certified by the Division pursuant to paragraph (d) of subsection 1 of NRS 458.025, the Division shall deny an application for a license or suspend or revoke the license of the facility.

2. An applicant or licensee who wishes to appeal an action of the Division relating to the denial, suspension or revocation of a license may appeal the action pursuant to the procedures set forth in NAC 439.300 to 439.395, inclusive.

449.1549 Definitions. (NRS 449.0302) As used in NAC 449.1549 to 449.154945, inclusive, unless the context otherwise requires, the words and terms defined in NAC 449.154901, 449.154903 and 449.154905 have the meanings ascribed to them in those sections.

449.154901 "Administrator" defined. (NRS 449.0302) "Administrator" means a person:

1. Whose name appears on a license issued by the Bureau as administrator of record for a facility; and

2. Who is legally responsible for the management of the facility.

449.154903 "Client" defined. (NRS 449.0302) "Client" means a person who is admitted to a facility.

449.154905 "Facility" defined. (NRS 449.0302) "Facility" means a halfway house for persons recovering from alcohol or other substance use disorders as defined in NRS 449.008.

449.15491 Administrator: Qualifications. (NRS 449.0302) An administrator must:

1. Be at least 21 years of age;

2. Have the tests and obtain the certifications required by NAC 441A.375 for a person employed in a facility for the dependent; and

3. Maintain evidence that he or she satisfies the requirements of this section in a file that is maintained on the premises of the facility.

449.154911 Administrator: General duties. (NRS 449.0302) An administrator shall:

1. Post the license issued by the Bureau in a conspicuous place within the facility.

2. Organize and manage the facility.

3. Establish policies, procedures and rules for the operation of the facility, including, without limitation, the policies and procedures required to be established by NAC 449.154915.

4. Ensure that the records of the facility are maintained in accordance with the requirements of the policies, procedures and rules for the operation of the facility established pursuant to subsection 3.

5. Ensure that the facility complies with any applicable state statutes and regulations and local ordinances.

6. Ensure that the clients of the facility are afforded the opportunity to exercise their individual rights in a manner consistent with the rules of the facility.

7. Ensure that the facility is maintained in a safe and clean condition.

8. Review and approve changes in the policies and procedures established pursuant to subsection 3 at least annually. This review must be signed and dated.

449.154913 General operational guidelines. (NRS 449.0302) An administrator shall ensure that:

1. Alcohol or drugs are not allowed on the premises of the facility;

2. The policies, procedures and rules established pursuant to NAC 449.154911 are carried out;

3. Each client complies with those policies, procedures and rules;

4. The facility provides an environment that will facilitate the reintegration of the clients of the facility into the community; and

5. The operation of the facility is not compromised by a client who violates the policies, procedures or rules of the facility.

449.154915 Policies and procedures: Establishment; maintenance of manual. (NRS 449.0302)

1. An administrator shall establish written policies and procedures concerning:

(a) The manner in which records of clients will be maintained and protected against unauthorized use;

(b) The disclosure of confidential information about clients;

(c) The criteria the facility will use to determine whether to:

(1) Admit a client to the facility; and

(2) Discharge a client from the facility;

(d) The discharge of a client for a violation of the rules of the facility;

(e) The discharge of a client for the use of alcohol or drugs;

(f) The rights and responsibilities of a client; and

(g) The evacuation of clients in case of fire or other emergency as required by NAC 449.154945.

2. The administrator shall maintain a manual of policies, procedures and rules of the facility that includes the policies and procedures established pursuant to subsection 1. The manual must be available on the premises of the facility at all times.

449.154917 Limitation on admissions. (NRS 449.0302) An administrator shall ensure that the facility does not admit more clients to the facility than the number of beds for which it is licensed.

449.154919 Health and sanitation. (NRS 449.0302)

1. An administrator shall ensure that the facility:

(a) Has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and

(b) Complies with all local ordinances and state and federal laws and regulations relating to zoning, sanitation, safety and accessibility to persons with disabilities.

2. A container used to store garbage outside of a facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the container. At least once each week, the container must be emptied and the contents of the container must be removed from the premises of the facility.

3. To the extent practicable, the premises of the facility must be kept free from:

(a) Offensive odors;

(b) Hazards, including obstacles that impede the free movement of clients within and outside the facility;

(c) Insects and rodents; and

(d) Accumulations of dirt, garbage and other refuse.

4. The administrator shall ensure that the premises of the facility are clean and that the interior, exterior and landscaping of the facility are well maintained.

5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.

6. The administrator shall ensure that electrical lighting is maintained in the facility as necessary to ensure the comfort and safety of the clients of the facility.

7. The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.

449.154921 Laundry facilities. (NRS 449.0302)

1. An administrator shall ensure that laundry facilities are provided in the facility commensurate with the number of clients in the facility. At least one washer and at least one dryer must be provided in the facility.

2. The laundry area in a facility must be maintained in a sanitary manner. All the equipment in the laundry area must be maintained in good working condition. All dryers must be ventilated to the outside of the building.

449.154923 Kitchens; storage of food. (NRS 449.0302)

1. The kitchen in a facility and the equipment in the kitchen must be clean and must allow for the sanitary preparation of food. The equipment must be in good working condition.

2. Perishable food must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen food must be kept at a temperature of 0 degrees Fahrenheit or less.

3. Food must not be stored in any area in which cleaning or pest control products are stored.

449.154925 Bedrooms; bedding. (NRS 449.0302)

1. A bedroom in a facility that is used by more than one client must have at least 45 square feet of floor space for each client who resides in the bedroom. A bedroom that is occupied by only one client must have at least 80 square feet of floor space.

2. The arrangement of the beds and other furniture in the bedroom must accommodate the clients occupying the bedroom in comfort and safety.

3. A bed with a comfortable and clean mattress must be provided for each client. The bed must be made with two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.

449.154927 Use of certain areas as bedroom prohibited. (NRS 449.0302) A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a facility must not be used as a bedroom. Any other room must not be used as a bedroom if it is used for any other purpose.

449.154929 Bathrooms and toilet facilities; toilet articles. (NRS 449.0302)

1. All bathrooms and toilet facilities in the facility must be sufficiently lighted.

2. Each client must have his or her own towels and washcloths. Paper towels may be used for hand towels. The towels and washcloths must be changed as often as is necessary to maintain cleanliness, but in no event less often than once each week. A soap dispenser that provides liquid or granular soap may be used instead of individual bars of soap.

449.154931 Accommodations for residents with restricted mobility. (NRS 449.0302) A facility that has a client who uses a wheelchair or a walker must:

1. Have hallways, doorways and exits wide enough to accommodate a wheelchair or walker; and

2. Have ramps at all primary exits.

449.154933 First aid. (NRS 449.0302)

1. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:

(a) A germicide safe for use by humans;

(b) Sterile gauze pads;

(c) Adhesive bandages, rolls of gauze and adhesive tape;

(d) Disposable gloves;

(e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and

(f) A thermometer or other device that may be used to determine the bodily temperature of a person.

2. Except for first aid in an emergency, no treatment or medication may be administered to a client.

449.154935 Medication. (NRS 449.0302)

1. Except as otherwise provided in NAC 449.154933, an administrator or another client shall not administer or assist in the administration of medication to a client.

2. Medication for self-administration may be kept at the facility. That medication must:

(a) Be disposed of immediately when it expires or when a physician orders the medication to be discontinued;

(b) Be stored and controlled in a manner that protects the medication from unauthorized use; and

(c) Not be used by more than one of the clients.

3. The provisions of paragraph (a) of subsection 2 do not apply to over-the-counter medication.

449.154937 Telephones; listing of facility's telephone number. (NRS 449.0302) An administrator shall ensure that:

1. The facility has at least one telephone that is in good working condition in the facility; and

2. The telephone number of the facility is listed in the telephone directory.

449.154939 Notification to Bureau under certain circumstances. (NRS 449.0302) An administrator shall notify the Bureau within 24 hours after the occurrence of an incident that:

1. Involved significant harm to a client of the facility if the client of the facility required medical treatment as a result of the incident;

2. May cause imminent danger to the health or safety of a client of the facility; or

3. May jeopardize the integrity of the operation of the facility.

449.154941 Rights of clients. (NRS 449.0302) An administrator shall ensure that:

1. A client of the facility is not abused, neglected or exploited by another client of the facility or any person who is visiting the facility;

2. A client is not prohibited from speaking to any person who advocates for the rights of the clients of the facility;

3. Each client is treated with respect and dignity;

4. The facility provides a safe and comfortable environment;

5. A client is not prohibited from interacting socially in a manner that is consistent with the rules of the facility;

6. To the extent practicable and in a manner that is consistent with the rules of the facility, each client is allowed to make his or her own decisions; and

7. The telephone number of the local office of the Bureau and the name and telephone number of the administrator is conspicuously posted on the premises of the facility.

449.154943 Client files: Maintenance; contents; confidentiality. (NRS 449.0302)

1. An administrator shall ensure that the facility maintains a separate file for each client of the facility and retains the file for at least 5 years after the client permanently leaves the facility. The file must be kept locked in a location that is protected against unauthorized use. Each file must contain the information obtained by the facility that is related to the client, including, without limitation:

(a) The full name, address, date of birth and social security number of the client;

(b) The address and telephone number of the client's physician and any next of kin or guardian of the client;

(c) A statement of the allergies of the client, if any, and any special diet or medication he or she requires;

(d) Evidence of compliance with the provisions of NAC 441A.380;

(e) A list of the rules of the facility that is signed by the client; and

(f) The name and telephone number of the vendors and medical professionals that provide services for the client.

2. Except as otherwise provided in this subsection, the file of the client must be kept confidential. The file of a client must be made available upon request at any time to an employee of the Bureau who is acting in his or her capacity as an employee of the Bureau.

449.154945 Safety from fire. (NRS 449.0302)

1. An administrator shall ensure that the facility complies with the regulations adopted by the State Fire Marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire. The facility must be approved for occupancy by the State Fire Marshal.

2. The administrator shall ensure that the facility has a plan for the evacuation of clients in case of fire or other emergency. The plan must be:

(a) Understood by all clients;

(b) Posted in a common area of the facility; and

(c) Discussed with each client at the time of his or her admission.

3. At least one portable fire extinguisher must be available at the facility. Any portable fire extinguishers available at the facility must be inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.

4. The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:

(a) Developed with the purpose of preventing a fire caused by smoking in the facility; and

(b) Posted in a common area of the facility.

5. Smoke detectors installed in a facility must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.

6. If a fire sprinkler system is installed in a facility, the system must be maintained in proper operating condition at all times and must be inspected in accordance with the provisions of NAC 477.460.

449.2704 Disclosure of information concerning rates and payment for services. (NRS 449.0302)

1. The administrator of a residential facility shall, upon the request of any person, make the following information available in writing:

(a) The basic rate for the services provided by the facility;

(b) The schedule for payment;

(c) The services included in the basic rate;

(d) The charges for optional services which are not included in the basic rate; and

(d) The residential facility's policy on refunds of amounts paid but not used.

2. Upon admitting a resident to a residential facility, changing the services provided for in a person-centered service plan or changing the cost of those services or upon request, the administrator of a residential facility shall provide a written description of the services included in the person-centered service plan of a resident and the cost of those services to the person paying for those services or his or her representative.

449.271 Residents requiring gastrostomy care or suffering from staphylococcus infection or other serious infection or medical condition. (NRS 449.0302)

1. Except as otherwise provided in subsection 2 and NAC 449.2736, a person must not be admitted to a residential facility or permitted to remain as a resident of a residential facility if he or she:

(a) Requires gastrostomy care;

(b) Suffers from a staphylococcus infection or other serious infection; or

(c) Suffers from any other serious medical condition that is not described in NAC 449.2712 to 449.2734, inclusive.

2. If a governmental entity with jurisdiction, including, without limitation, a local board of health, a local health officer, the Division, the Chief Medical Officer or the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, declares

the existence of an epidemic or pandemic, a residential facility located in the area in which the epidemic or pandemic is occurring may permit a resident suffering from a serious infection to remain a resident if the resident does not have symptoms that require a higher level of care than the residential facility is capable of providing.

449.411 "Psychiatric residential treatment facility" defined. (NRS 449.0302, 449.0303) "Psychiatric residential treatment facility" means a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician.

HEALTH CARE PURCHASING AND COMPLIANCE DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
LCB File No. R089-24

Informational Statement per NRS 233B.066

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

The main purpose of the proposed regulations is to:

1) Conform Nevada Administrative Code (NAC) Chapter 449 to several bills passed in the 2023 legislative session, including Senate Bill (SB) 146, SB 298 and Assembly Bill (AB) 403.
2) Carry out the Governor's Executive Order 2023-003 by removing provisions of regulations that are outdated or impose an unnecessary burden on business; and
3) Protecting public safety by addressing cardiopulmonary resuscitation (CPR) and first aid training standards, addressing inter-facility infection control transfer forms, mental health technician or psychiatric technician educational requirements, and related items.

R089-24 addresses the following main topics:

- Authorizes a certified nurse midwife to perform a physical exam or obtain a medical history before or after a patient is admitted to a hospital for the purpose of giving birth (SB 146).
- Addresses visitation in a facility for the dependent.
- Removes halfway houses for persons recovering from alcohol or other substance use regulations from NAC chapter 449 in conformance with AB 403.
- Addresses confidentiality of inspection and complaint investigations.
- Addresses the use of volunteers in homes for individuals for residential care.
- Establishes educational and training requirements for mental health technicians and psychiatric technicians and exempt mental health technicians who work in state hospitals as they have established requirements in state statutes/regulations.
- Addresses the use of home health and hospice services in a residential facility for groups.
- Provides criteria for residential facilities for groups to accept or retain a resident with a peripherally inserted central catheter or a peritoneal catheter.
- Require the use of an inter-facility infection control transfer form when transferring a patient from one licensed health care facility to another with a current infection, colonization or history of a positive culture of a multi-drug-resistant organism or other potentially transmissible infectious organism.
- For general licensure requirements, it clarifies that at least one personal reference is needed; instead of providing a copy of the business license requires the business identification number to be provided; and removes the requirement for an applicant, that is a corporation to submit a copy of its bylaws and articles of incorporation.
- Increases the timeframe to submit a change of administrator from 10 to 30 days from the date of the change and assess a late fee if it is not submitted within 30 days instead of 10 days currently in regulations.
- Refers the definition of a psychiatric residential treatment facility back to the statutory definition instead of a regulatory definition.
- Adds employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential treatment facility to NAC 449.0168 (Fees for modification of certain licenses).
- Removes the word "ironed" as it relates to linen from several sections.

- Updates cardiopulmonary resuscitation (CPR) training requirements to include an in-person instruction, combination of in-person and virtual instruction, or virtual instruction only if an interactive, hands-on skills training component is provided in several sections.
- Clarifies regulatory language as to which residents are not admissible into a residential facility for groups and clarifies when waivers are required for admission and when they are not.
- Conforms with Senate Bill 298 of the 2023 Nevada Legislative session as it relates to involuntary discharges.
- Omits provisions in current regulations that were determined to be an extra burden on industry without adding benefit to public safety.
- Expands the scope of services that can be provided by attendants working at an agency providing personal care services in the home.
- Requires skilled nursing facilities to comply with the provisions of 42 CFR 483.10(f) (4) relating to the visitation of patients.
- Propose changes to NAC 449.793 to allow, in addition to physicians, a physician assistant or advanced practice registered nurse to serve on the Committee to provide quarterly reviews of sampled patient records receiving services from an agency to provide nursing in the home.

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.

Below is a summary of how public comment was solicited and a summary of the public's response. Please refer to number 5 for full details on revisions made to the proposed regulations.

Notice was sent to all NRS and NAC Chapter 449 licensed health facilities that were licensed at the time of the notice distribution, to members of the public who have chosen to subscribe to the Division's health facility specific ListServs and to representatives of the Nevada Health Care Association, Nevada Hospital Association, and Nevada Rural Hospital Partners. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH/NVHA, members of the public subscribed to the Division's health facility specific ListServs and the three entities previously noted on February 8, 2024. The proposed regulations were also posted on DPBH's website.

The questions on the questionnaire were:

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?

Summary of Responses

Summary of Comments Received (5 responses were received out of a minimum of 2,637 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**
Yes- 3 No - 1	Yes – 2 No - 2	Yes – 2 No – 2	Yes – 0 No – 3 1 left answered.
Comments: Are we allowing diabetic injection administration in group home setting? The regulation seems confusing on this regard. This will definitely increase liability insurance for the business. Depending on how the Cultural Competency Training requirements shake out there could be a significant adverse impact. Sec.13. Inter-facility infection control transfer form Facility staff will need to spend 15 minutes completing additional forms that contain information which can be very easily communicated verbally in seconds. This wasted time will decrease staff productivity and take staff time away from direct resident care. The larger negative impact will be on the elderly and disabled that we serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated cost will range from $10,000 to $30,000 annually in staff time, opportunity cost, risk of injury to residents while staff is not able to be attentive to residents because they are drowning in paperwork, facility liability from increased resident risk.	Comments: No need for landline with the business name, one less cost for the operator. I understand that non-medical may be allowed to administer medications under certain scenarios, if so this would be a positive development	Comments: Increasing acuity in the care of elderly residents, but the reimbursement remained unchanged.	Comments: Fewer potential clients who can afford my facility.

SB 298 of the 2023 legislative session, Sec 10.2. Allowing residents up to 45 days to pay their monthly fees Residential Facilities for Groups will be significantly more negatively affected by this, as they have lower fees and fewer beds. These facilities simply cannot afford to keep their doors open if they have to go 1.5 months without revenue. Like all regulations, the macro impact will be negative for the elderly and disabled that we serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated annual cost will be $96,000 (the monthly operating costs over 12 months).			

One of the responses was received via email and noted:
"Would be nice if licensed rfa is applying for new license for pca to consider rfa in lieu of high school diploma…. just saying."

Public Workshop - April 24, 2024

Below is a summary of the testimony provided by the five (5) individuals during the public workshop.
Testimony #1
The person providing the testimony noted he appreciates the work on the proposed regulations, but expressed concern related to requiring in-person CPR training instead of allowing a 100% virtual option. The person providing testimony recommended the Division to allow a virtual training option that fits the same requirements that can be met in person.
In addition, although the person providing testimony supported the change that would allow personal care attendants to administer medications, he had a concern related to the 16 hours of training being added. The concern noted that the hours for training are not reimbursed by the Division. He felt that paying for the training would create a huge challenge and burden to personal care agencies. He noted that when you consider all the required training, it results in a huge cost to providers without being reimbursed by the state for this training. He noted all the required training courses are unfunded or unreimbursed; therefore, he would love to see the Division find a way to help reimburse for these training courses, especially around medication administration, as he believes it is of great added value to the state. Examples of the added value to the state include clients being able to remain in the least restrictive environment and reducing costs to the overall health care system.

Testimony #2

The person providing testimony noted she was in opposition to Senate Bill 298 as it relates to involuntary discharges from residential facilities for groups. She explained they were a small nonprofit who specializes in caring for people with complex medical needs and brain injuries who need maximum assistance and that their mission is to provide housing for the disabled population in need. She noted that since the inception of Senate Bill 298, they have gone completely unfunded with four clients. She noted the services they provide are so extensive it costs an average of $400.00 per day per client to provide the services. She provided several examples of clients that were unfunded. She noted there was no avenue to discharge the clients leaving them with the responsibility of bearing the costs.

She also gave an example of a client who was provided with notice because he was violent, and his behaviors were out of control for their setting. She noted no other setting would accept him; therefore, their staff had to care for him, even though their staff are at risk due to his violence.

She noted there are two parts to this bill that were concerning. One is rent and that covers the residence, but the other, more concerning part, is the services that are provided. She testified the services that are provided are quite extensive and very, very expensive because there are no discharge (DC) plans for many of the clients. She noted they are not required per Senate Bill 298 to continue the plan of care indefinitely at a significant cost to them with no updates to the plan of care as needed since the State is the entity responsible for initially writing this plan. Now, not only do they need to provide these expensive and extensive services, but they must hire additional clinical personnel to update the plan accordingly. She questioned whether that was even permissible since Senate Bill 298 states they will continue the same services. She noted this could be detrimental to their clients as their needs do change over time.

She asked the following questions:

Where are these safe discharge sites at the Community level?

And since the state is mandating that services need to be continued, should the burden not be placed on the state if there is no other safe discharge for clients who have lost their Medicaid yet still require the services? Or is this burden going to continue to be placed on these providers, which I believe will place us all at great risk.

Testimony #3

The person providing testimony noted they have three hospitals in the state of Nevada, and she wanted to voice her support for the increased time frame from 10 to 30 days related to the change of administrator application.

Testimony #4

The person had questions related to current regulations and did not have questions specific to the proposed regulations.

Testimony #5

The person testified she had safety concerns related to the proposed regulations including concerns with the trimming of fingernails and toenails. She noted it was recommended that people with diabetes have their toenails cut by a podiatrist and that they don't do it themselves. She noted the regulations could result in untrained people cutting people's toenails. She felt that there was a danger with no training

including a diabetic losing a foot. The other concern was related to the range of motion exercises. She noted these are provided by a medical professional, such as a physical therapist.
She noted there is no kind of training mentioned for range of motion exercises or trimming nails, and she felt this would be putting clients in danger and she is opposed to those.
She made a comment related to the medication training requirements and noted she believed we were talking about the Med tech training.

Public Hearing – December 5, 2025

Marla McDade Williams, administrator of the Division of Child and Family Services, testified in support of the errata. Please refer to the errata included with this informational statement for details.

Jesse A. Wadhams, Esq. representing the Nevada Hospital Association, noted he agreed with the concerns expressed by Dr. Murawsky related to requiring cardiopulmonary resuscitation conducted only virtually or electronically be presented in real time by an instructor who is a natural person. He provided a written proposal that would remove the words "and is presented in real time by an instructor who is a natural person".

Board of Health Vice Chair, Dr. Jeffrey Murawsky, MD, representing Doctor of Medicine, made motions to:

1) Modify Subsection 1 (c) of Section 2 by removing the words "and is presented in real time by an instructor who is a natural person".
2) Modify Subsection 2 (a) of Section 12 from "within 30 days" to "within 45 days".
3) Modify Subsection 4 (h) of Section 37 by adding the word "serious" before the words "staphylococcus infection".
4) Approve the errata. (Modifies Subsection 1 of Section 4 to allow the training and education requirements for mental health technicians or psychiatric technicians to be completed within 12 months of hire and omit the language in Section 88 that only allowed for the 12 months to complete such training and education for a temporary period within 12 months after the effective date of the regulations).

(Please refer to number 5 for further details on modifications to the proposed regulations)

The Board of Health approved the motions to modify the proposed regulations, as noted above.

In addition, the Nevada Health Authority, Health Care Purchasing and Compliance Division, received feedback from the Department of Human Services, Division of Child and Family Services, requesting that the education and training required to be employed as a mental health technician or psychiatric technician in a licensed health care facility be allowed to be completed while the person is working in such a capacity and that it not be a requirement that such education and training must be completed prior to being employed as a mental health technician or psychiatric technician in a licensed health care facility.

Written Feedback – Public Hearing
Written feedback was also accepted from the public and taken into consideration.

Written testimony was received from the National Nurses Organizing Committee – Nevada/National Nurses United noting: "We are concerned that R089-24, Section 62 strikes the prohibition on personal care attendants administering medication in NAC 449.3978 Section 2 (e). Medication administration is a

high-risk task that cannot be performed safely by personal attendants. We urge you to retain Section 2 (e) of NAC 449.9378 in Section 62 because striking it would endanger clients."

Jesse A. Wadhams, Esq. representing the Nevada Hospital Association provided a written proposal that would remove the words "and is presented in real time by an instructor who is a natural person" that was found in Subsection 1 (c) of Section 2.

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to Leticia Metherell, RN, CPM, HPM III at the Division of Purchasing and Compliance at:

Health Care Purchasing and Compliance Division
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@nvha.nv.gov

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
   (a) Name
   (b) Telephone Number
   (c) Business Address
   (d) Business telephone number
   (e) Electronic mail address; and
   (f) Name of entity or organization represented

Public Workshop - April 24, 2024
Twenty-eight (28) individuals participated in the public workshop virtually. One State staff member participated in person and, for a total of twenty-nine (29) participants.

Five (5) individuals provided testimony during the public workshop.
1) Eddie Abster, Tri Strategies representing Freedom Care
2) Julie Peterson, Accessible Space, JPeterson@accessiblespace.org
3) Erin Bosley, Pam Health, ebosley@pamhealth.com
4) Rosalinda Ruiz
5) Karen Redding, Nevada Senior Services, kredding@nevadaseniorservices.org

Public Hearing – December 5, 2025
The Nevada State Board of Health Carson City in person sign in sheet had six (6) individuals.
The Nevada State Board of Health Las Vegas in person sign in sheet had three (3) individuals.
The virtual attendance record noted 58 participants.
Total number of participants: 67

Note: As the Board of Health agenda included other agenda items in addition to the hearing on LCB File No. R089-24, it is possible that not all attendees were present for the hearing on LCB File No. R089-24.

Two individuals (not including Board of Health members and Nevada Health Authority staff) provided testimony during the public hearing:

Marla McDade Williams, MPA, Administrator
Email: mmcdade@dcfs.nv.gov
Phone: 775-684-4459

Jesse A. Wadhams, Esq. representing the Nevada Hospital Association
Phone: 702-869-8801
Email: jessewadhams@blackwadhams.law

Written Statements Regarding the Proposed Regulations
Michelle Grisat, National Director of Health and Regulatory Policy
National Nurses Organizing Committee – Nevada/National Nurses United
Email**:** Michelle@NationalNursesUnited.Org
(Letter included with informational statement packet)

Jesse A. Wadhams, Esq. representing the Nevada Hospital Association
Phone: 702-869-8801
Email: jessewadhams@blackwadhams.law
(Proposed modifications to R089-24 from Nevada Hospital Association included with informational statement packet)

Feedback from Department of Human Services, Division of Child and Family Services
Marla McDade Williams, MPA, Administrator
Email: mmcdade@dcfs.nv.gov
Phone: 775-684-4459

Kimberly Abbott, Deputy Administrator, Children's Mental Health Servies
Email: k.abbott@dcfs.nv.gov
Phone: (702) 486-5016

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

Pursuant to NRS 233B.0608 (2)(a), the Health Care Purchasing and Compliance Division (Division of Public and Behavioral Health (DPBH) at the time) requested input from small businesses that may be affected by the proposed regulations.

Notice was sent to all NRS and NAC Chapter 449 licensed health facilities that were licensed at the time of the notice distribution, to members of the public who have chosen to subscribe to the Division's health facility specific ListServs and to representatives of the Nevada Health Care Association, Nevada Hospital

Association, and Nevada Rural Hospital Partners. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH/NVHA, members of the public subscribed to the Division's health facility specific ListServs and the three entities previously noted on February 8, 2024. The proposed regulations were also posted on DPBH's website.

The questions on the questionnaire were:

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?

Summary of Responses

Summary of Comments Received (5 responses were received out of a minimum of 2,637 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**
Yes- 3 No - 1	Yes – 2 No - 2	Yes – 2 No – 2	Yes – 0 No – 3 1 left answered.
Comments: Are we allowing diabetic injection administration in group home setting? The regulation seems confusing on this regard. This will definitely increase liability insurance for the business. Depending on how the Cultural Competency Training requirements shake out there could be a significant adverse impact. Sec.13. Inter-facility infection control transfer form Facility staff will need to spend 15 minutes completing additional forms that contain information which can be very easily communicated verbally in seconds. This wasted time will decrease staff productivity and take staff time away from direct resident care. The larger negative impact will be on the elderly and disabled that we	Comments: No need for landline with the business name, one less cost for the operator. I understand that non-medical may be allowed to administer medications under certain scenarios, if so this would be a positive development	Comments: Increasing acuity in the care of elderly residents, but the reimbursement remained unchanged.	Comments: Fewer potential clients who can afford my facility.

serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated cost will range from $10,000 to $30,000 annually in staff time, opportunity cost, risk of injury to residents while staff is not able to be attentive to residents because they are drowning in paperwork, facility liability from increased resident risk. SB 298 of the 2023 legislative session, Sec 10.2. Allowing residents up to 45 days to pay their monthly fees Residential Facilities for Groups will be significantly more negatively affected by this, as they have lower fees and fewer beds. These facilities simply cannot afford to keep their doors open if they have to go 1.5 months without revenue. Like all regulations, the macro impact will be negative for the elderly and disabled that we serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated annual cost will be $96,000 (the monthly operating costs over 12 months).			

One of the responses was received via email and noted:
"Would be nice if licensed rfa is applying for new license for pca to consider rfa in lieu of high school diploma…. just saying."

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to Leticia Metherell, RN, CPM, HPM III at the Division of Purchasing and Compliance at:

Health Care Purchasing and Compliance Division
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@nvha.nv.gov

5. 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 proposed regulations were adopted with the following changes:

Subsection 1 (c) of Section 2 was changed by removing the words “and is presented in real time by an instructor who is a natural person” to read as follows: Virtual or electronic instruction only, if interactive, hands-on skills training or skills verification is not prerecorded.

Subsection 1 of Section 4 was changed to allow the training and education requirements for mental health technicians or psychiatric technicians to be completed within 12 months of hire and omits the language in Section 88 that only allowed for the 12 months to complete such training and education for a temporary period within 12 months after the effective date of the regulations.

Subsection 2 (a) of Section 12 was changed from “within 30 days” to “within 45 days” to read as follows: The peripherally inserted central catheter is removed within 45 days after the date on which the catheter was inserted;

Subsection 4 (h) of Section 37 was changed by adding the word “serious” before the words “staphylococcus infection” to read as follows: Suffers from a serious staphylococcus infection or other serious infection;

There were no changes made to the proposed regulations as it relates to the impact of Senate Bill 298 of the 2025 legislative session as the impact is not the result of the proposed regulations but instead is a result of the passage of the bill.

Health Care Purchasing and Compliance Division (Division) staff addressed the written testimony received from the National Nurses Organizing Committee- Nevada/National Nurses United and their concerns related to the administration of medications by unlicensed personal care attendants with the Board of Health. Division staff provided testimony noting that they believe that the proposed regulations outline a mechanism that will allow attendants to assist clients in the administration of certain medications in a safe manner. Existing statutes already authorize attendants to administer insulin per auto injection pen. Nevada unlicensed caregivers in other settings are allowed to assist clients with the administration of medication. The proposed regulations require the same level of training that residential facility for group caregivers are required to undertake prior to administering medications. It can also be argued that not allowing attendants to assist clients with the administration of medication may be unsafe in certain circumstances. For example, a client that is struggling with managing and administering his medications, wants to remain in his home and refuses to go to an assisted living and does not have family nearby to assist him. In addition, family members, friends or neighbors may not have any training in the administration of medications, yet it is okay for them to assist. Medication administration trained attendants working for a regulated agency who would be held accountable for ensuring medication administration is conducted in accordance with all applicable statutes and regulations governing the agency would be able to offer a safe medication administration option.

No changes to Section 14 of the proposed regulations as it relates to personal care attendants assisting clients with the administration of medications were made by the Board of Health.

6. 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; and

(b) Both immediate and long-term effects.

Anticipated effects on the business which NRS Chapter 634B regulates:

Adverse effects: Direct adverse effects include the cost for an employment agency to provide nonmedical services, an outpatient facility, a recovery center, or a psychiatric residential treatment facility to modify its license. The cost to modify the license is $250; the estimated financial impact depends on how many times a facility modifies its license and if it never modifies its license the cost would be $0.
Review of comments received from the small business impact questionnaire revealed that taking 15 minutes to complete the inter-facility infection control transfer form would result in a negative financial impact (see comments in summary of responses table). The proposed regulations clarify that the inter-facility infection control transfer form does not need to be completed on every patient, but only if the facility is aware of or suspects a patient currently has an infection, colonization or a history of a positive culture of a multidrug-resistant organism or other potentially transmissible infectious organism.

There have been reports of patients being transferred to a receiving facility without notification or notification in a manner that brings attention to the patient's infectious disease status before the patient is integrated into the facility, indicating that the patient has an infectious disease or is colonized with an organism such as candida auris. The purpose of the form is to foster communication during this critical transition to help ensure the receiving facility is aware of the patient's infectious disease status so it can implement any necessary measures to keep its population safe. Therefore, although there may be some additional staff time involved to complete the form, it is anticipated that the potential for the prevention of the spread of an infectious disease using the form may have a positive financial impact.

The impact of the cultural competency regulations is not addressed here as those were addressed as part of the LCB File No. R004-24 regulatory process.

There was a comment related to the negative financial impact because of the passage of SB 298 of the 82nd legislative session (2023). The proposed regulations bring current regulations in line with SB 298 and do not provide any additional requirements beyond what is required in the bill; therefore, any negative impact on business, if any, is a direct result of the passage of SB 298 and not of the proposed regulations being moved forward.

There was also concern expressed that allowing diabetic injection administration in a group home setting would increase liability insurance for business. The section that amended NAC 449.2276 related to the care of people who have diabetes was removed from the proposed regulations; therefore, there is no new financial impact to the LCB Draft of Revised Proposed Regulation R089-24 related to this issue.

Beneficial: There may be direct beneficial effects, for example, if a facility currently has a landline telephone and a cellphone, and due to the passage of the proposed regulations decides to only keep a cellphone, it will save on the costs of a landline telephone. Indirect beneficial effects (some of which may produce direct beneficial effects) include:

- Clarifying that residents with peripherally inserted central catheters or peritoneal catheters may be admitted or retained in a residential facility if certain conditions are met. This may have a positive financial impact if it avoids the discharge of a resident and maintains the associated revenue.
- The use of the inter-facility infection control transfer form may result in a positive impact on revenue. If a facility is aware that a new admission has an infectious organism, it can put measures in place to help prevent the spread of such organism and save money on resources such

as an increased use of personal protective equipment that may be associated with the spread of an infectious organism in a facility.

- Removing the need to include certain documents to obtain a license results in the ability for the Division to process and approve an application in a more efficient manner, which may result in the ability for a business to open and start collecting revenue more quickly.
- Increasing the timeframe from which a licensee shall notify the Division of a change in administrator of the facility and pay any associated late fee from 10 to 30 days will provide a more realistic timeframe for facilities to provide such notification; therefore, potentially avoiding the late fee.
- Removing requirements related to ironing, posting telephone numbers in a telephone directory, providing flexibility to use a cellphone, and reducing the burden related to written waivers that must be submitted to the Division, pursuant to NAC 449.2736, may all have a positive financial impact on a business.
- Expanding the scope of services that may be provided by a personal care agency through its attendants may result in less clients leaving personal care agencies or allow an agency to attract a greater number of clients; therefore, potentially preventing the loss of revenue or increasing revenue.
- Allowing physician assistants or advanced practice registered nurses, in addition to physicians, to be appointed to the Committee pursuant to NAC 449.793, may result in salary savings. In addition, removing the requirement that a branch office of home agency be small to establish one Committee, instead of more than one Committee, may result in cost saving through increased efficiencies and a saving on salaries to maintain more than one Committee.

Immediate: The financial impacts, both adverse and beneficial, would be immediate upon passage of the proposed regulations. For example, an outpatient facility that modified their license pursuant to Section 21 of the proposed regulations would be immediately subject to the $250 license modification fee.

Long-term: The long-term impacts, both adverse and beneficial, would continue for the long term until such time the proposed regulations are amended in a manner that would change the impact.

Anticipated effects on the public:

A. *Adverse*: There are no anticipated adverse effects to the public.

B. *Beneficial:* Beneficial effects on the public include:

1) Anticipated improved initial health facility application processing times.
2) Improved public safety in health care facilities licensed pursuant to NRS and NAC Chapter 449.
3) Increased number of services that a personal care agency may provide may allow individuals to remain in their homes longer, make it easier for them to obtain necessary care and assistance, and improve their quality of life.
4) Helps ensure visitation rights for residents of a facility for the dependent.

C. *Immediate*: The beneficial impacts may not be realized immediately in all cases, for example, it may take time for personal care agencies to increase the number of services they provide, but others, such as improved initial application licensure processing times, could be implemented immediately.

D. *Long-term:* The beneficial impacts would remain long-term as licensed health care facilities carry out the provisions of the proposed regulations that improve public safety and help improve the quality of the lives of patients. It is also anticipated that increased efficiencies in initial licensure application processing times will continue for the long term.

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

The estimated cost for the agency to enforce the proposed regulations would be $0 to $17,000 per year depending on the number of requests received to modify a license pursuant to NAC 449.0168, if any. The fee noted in number 6 would be used to pay for this cost.

8. 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, name the regulating federal agency.

Certification by the Centers for Medicare and Medicaid Services (CMS) is voluntary but state licensure is mandatory for skilled nursing facilities. As such, both federal and state regulations are needed, as there is a possibility that a facility chooses to be state licensed only, in which case the CMS federal regulations would not apply, but the state regulations would apply.

The proposed regulations are not more stringent than the federal regulations for skilled nursing facilities. The proposed regulations require a skilled nursing facility to follow federal CMS visitation guidelines which eliminates any conflict between state and federal visitation regulatory guidelines.

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

Certification by the Centers for Medicare and Medicaid Services (CMS) is voluntary but state licensure is mandatory for skilled nursing facilities. As such, both federal and state regulations are needed, as there is a possibility that a facility chooses to be state licensed only, in which case the CMS federal regulations would not apply, but the state regulations would apply.

The proposed regulations are not more stringent than the federal regulations for skilled nursing facilities. The proposed regulations require a skilled nursing facility to follow federal CMS visitation guidelines which eliminate any conflicts between state and federal visitation regulatory guidelines.

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

There currently is an existing fee pursuant to NAC 449.0168 (Section 21) that allows the Division to assess a fee of $250 to modify the license of a medical facility, facility for the dependent, program of hospice care or a referral agency. As new facility types are added by new statutes or in accordance with

statutory authority, they may not be included in the definition of a medical facility or facility for the dependent or added to NAC 449.0168, then the Division is not authorized to collect the $250 fee to modify a license. The proposed regulations add an employment agency to provide nonmedical services as defined in NAC 449.0033, an outpatient facility defined pursuant to NAC 449.999417, a recovery center defined pursuant to NAC 449.99702, and a psychiatric residential treatment facility as defined in NRS 449.1195, to NAC 449.0168 to be able to collect such a fee.

The total annual amount the Division expects to collect is unknown because there is no way to determine if any of the above-mentioned facilities will apply for a modification of its license or the number of times it may modify its license each year. If none of the facilities modifies its license the amount collected in a year would be $0 and if every currently licensed facility added to NAC 449.0168 modified its license pursuant to NAC 449.0168 the total amount collected in a year would be approximately $17,000.

The money would be used to cover the Division's operating costs related to the work associated with the modification of a license including applicable application processing and inspection costs.

Errata - LCB File No. R089-24

Blue italic bold = Proposed new language found in LCB File No. R089-24
Green italic = New language proposed as Errata
[~~Red italic in brackets strike through bold~~] = New stricken language proposed as Errata

Sec. 4.

1. [~~A facility licensed pursuant to the provisions of this chapter and chapter 449 of NRS shall not employ or otherwise allow a person to provide services as a mental health technician or psychiatric technician except in accordance with the requirements of subsections 2, 3 and 4.~~]

Within 12 months after a mental health technician or psychiatric technician is employed or otherwise begins providing services at a facility, the mental health technician or psychiatric technician must be in compliance with the provisions of subsection 2.

2. A mental health technician or psychiatric technician described in subsection 1 must:
(a) Have an associate degree or higher degree in psychology from a college or university that was, at the time the degree was awarded:
(1) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant such degrees; or
(2) A foreign college or university deemed to be equivalent to subparagraph (1) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, or its successor organization;
(b) Hold current certification from the American Association of Psychiatric Technicians, or its successor organization, at Level 2 or higher;
(c) Hold a current license as a mental health technician or psychiatric technician issued by the District of Columbia or any state, territory or possession of the United States;
(d) Have held a license as a mental health technician or psychiatric technician issued by the District of Columbia or any state, territory or possession of the United States that was valid within the 5 years immediately preceding the date of employment or engagement in the provision of services at a facility in this State;
(e) Have completed the vocational and educational program described in NRS 433.279; or
(f) Have a high school diploma or general equivalency diploma and have completed a course or combination of courses that includes, without limitation:
(1) At least 30 hours of instruction in crisis prevention and crisis intervention from the American Crisis Prevention and Management Association or another similar nationally recognized agency, governmental entity or educational institution that provides such instruction; and
(2) At least 8 hours of instruction in behavioral violence from the American Crisis Prevention and Management Association or another similar nationally recognized agency, governmental entity or educational institution that provides such instruction.

3. A mental health technician or psychiatric technician described in subsection 1 must be supervised by a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a registered nurse.

4. Within 30 days after a mental health technician or psychiatric technician described in subsection 1 is employed or otherwise begins providing services at a facility, the mental health technician or psychiatric technician must be certified in first aid and cardiopulmonary resuscitation in accordance with the requirements of section 2 of this regulation.

5. As used in this section, "mental health technician or psychiatric technician":
(a) Means a person who, for compensation:
(1) Administers or performs specific therapeutic procedures, techniques or treatments, excluding medical interventions, for persons with a mental illness or emotional disturbance; or
(2) Applies interpersonal and technical skills:
(I) In the observation and recognition of symptoms of patients with mental illnesses or emotional disturbances and the reactions of such patients;
(II) For the accurate recording of such symptoms and reactions; and
(III) For carrying out treatments authorized by the physician, physician assistant or advanced practice registered nurse of a patient with a mental illness or emotional disturbance.
(b) Does not include a person described in subsection 4 of NRS 433.279.

Sec. 88. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

~~*[1. Notwithstanding the provisions of section 4 of this regulation, a facility licensed pursuant to the provisions of chapter 449 of NAC and chapter 449 of NRS may employ or otherwise allow a person to provide services as a mental health technician or psychiatric technician who, on the effective date of this regulation, is not in compliance with the requirements set forth in section 4 of this regulation if the person meets the requirements of: (a) Subsection 2 of section 4 of this regulation within 12 months after the effective date of this regulation; and*~~

~~*(b) Subsection 4 of section 4 of this regulation within 180 days after the effective date of this regulation.]*~~

~~*[2.]*~~ *1. Notwithstanding the provisions of sections 2 and 4 of this regulation and the amendatory provisions of sections 24, 26, 30, 32, 33, 49, 51, 52, 54, 59, 60, 63, 65, 68, 71, 77, 78 and 82 of this regulation, any person who is required by the provisions of this regulation and chapter 449 of NAC to be certified in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation and who, on the effective date of this regulation, is not certified in accordance with the requirements of section 2 of this regulation shall be deemed to be in compliance with those requirements if the person obtains certification in accordance with the requirements of section 2 of this regulation within 180 days after the effective date of this regulation.*

~~*[3.]*~~ *2. As used in this section: (a) "Facility" has the meaning ascribed to it in NAC 449.0034.*
(b) "Mental health technician or psychiatric technician" has the meaning ascribed to it in section 4 of this regulation.

Rationale

The Nevada Health Authority, Health Care Purchasing and Compliance Division, received feedback from the Department of Health and Human Services, Division of Child and Family Services, requesting that the education and training required to be employed as a mental health technician or psychiatric technician in a licensed health care facility be allowed to be completed while the person is working in such a capacity and that it not be a requirement that such education and training must be completed prior to being employed as a mental health technician or psychiatric technician in a licensed health care facility.

The proposed modifications include modifying Section 1 to allow the training/education to be completed within 12 months of hire and omitting the language in Section 88 that only allowed for the 12 months to complete such training/education for a temporary period within 12 months after the effective date of the regulations.

National Nurses Organizing Committee
National Nurses United
OUR PATIENTS. OUR UNION. OUR VOICE.

OAKLAND
155 Grand Avenue
Suite 100
Oakland CA 94612
phone: 800-504-7859

LAS VEGAS
8485 West Sunset Road
Suite 301
Las Vegas NV 89113
phone: 702-407-1119
fax: 702-766-5170

Via Email to: Dena Schmidt, stateBOH@health.nv.gov

November 19, 2025

Stacie Weeks, Director
State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

RE: LCB File No. R089-24 – Oppose Unless Amended

Dear Director Weeks,

On behalf of more than 3,000 registered nurse (RN) members in Nevada, National Nurses Organizing Committee – Nevada/National Nurses United (NNOC-NV) submits these comments in response to the regulations proposed by the State Board of Health (Board) in LCB File No. R089-24. We are concerned that R089-24, Section 62 strikes the prohibition on personal attendants administering medication in NAC 449.3978 Section 2(e). Medication administration is a high-risk task that cannot be performed safely by personal attendants. **We urge you to retain Section 2(e) of NAC 449.3978 in Section 62 because striking it would endanger clients.**

Instead, the Board should limit personal attendants to assisting clients who are able to self-administer medication and clearly define and distinguish medication assistance from medication administration. Examples of medication assistance include tasks such as filling a medication container with individual compartments organized by day of the week, opening a medication container, providing a glass of water, and observing the client to ensure that the medication is administered correctly. The Board should continue to prohibit the insertion of rectal suppositories, the application of a prescribed topical lotion for the skin and the administration of drops in the eyes, as provided by NAC 449.3978, Section 2(e).

Sincerely,

Michelle Grisat

Michelle Grisat
National Director of Health and Regulatory Policy
National Nurses Organizing Committee - Nevada/National Nurses United

Proposed Modification to R089-24

Nevada Hospital Association

This modification will ensure that the continued use of Resuscitation Quality Improvement CPR certification:

Sec. 2 1. A person who is required by this chapter to be certified in first aid, cardiopulmonary resuscitation or first aid and cardiopulmonary resuscitation may complete any training, course or program to become certified or to renew certification, as applicable, through: . (a) In-person instruction only; (b) A combination of in-person instruction and virtual or electronic instruction, if interactive, hands-on skills training or skills verification is provided in person; or (c) Virtual or electronic instruction only, if interactive, hands-on skills training or skills verification is not prerecorded [~~and is presented in real time by an instructor who is a natural person~~]**.**

SMALL BUSINESS IMPACT STATEMENT
PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) 449

The Nevada Health Authority (NVHA), Division of Purchasing and Compliance, has determined the proposed amendments may have a minimal adverse financial impact on existing business and may have a beneficial impact on existing business. It is anticipated the proposed regulations will not limit the formation of small businesses. The proposed regulations may have some direct negative financial impact on small businesses, but they also reduce the regulatory burden on the industry by removing provisions of current regulations that are not necessary to effectively license and regulate these programs.

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

This small business impact statement is made 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 regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

A. The three main reasons these proposed regulations are being moved forward are:
    1) To bring current regulations into conformance with SB 146, SB 298 and AB 403 of the 2023 Legislative Session.
    2) To carry out the Governor's Executive Order 2023-003 by removing provisions of regulations that are outdated or impose an unnecessary burden on business and streamline and improve upon current regulations.
    3) To protect public safety.

B. The major topics addressed by the proposed regulations include:
    - Authorizes a certified nurse midwife to perform a physical exam or obtain a medical history before or after a patient is admitted to a hospital for the purpose of giving birth (SB 146).
    - Addresses visitation in a facility for the dependent.
    - Removes halfway houses for persons recovering from alcohol or other substance use regulations from NAC chapter 449 in conformance with AB 403.
    - Addresses confidentiality of inspection and complaint investigations.
    - Addresses use of volunteers in homes for individuals for residential care.
    - Establishes educational and training requirements for mental health technicians and psychiatric technicians and exempt mental health technicians

who work in state hospitals as they have established requirements in state statutes/regulations.

- Addresses the use of home health and hospice services in a residential facility for groups.
- Provides criteria for residential facilities for groups to accept or retain a resident with a peripherally inserted central catheter or a peritoneal catheter.
- Requires the use of an inter-facility infection control transfer form when transferring a patient from one licensed health care facility to another with a current infection, colonization or history of a positive culture of a multi-drug-resistant organism or other potentially transmissible infectious organism.
- For general licensure requirements, it clarifies at least one personal reference is needed; instead of providing a copy of the business license requires the business identification number to be provided; and removes the requirement for an applicant, that is a corporation to submit a copy of its bylaws and articles of incorporation.
- Increases the timeframe to submit a change of administrator from 10 to 30 days from the date of the change and assess a late fee if it is not submitted within 30 days instead of 10 days currently in regulations.
- Refers the definition of a psychiatric residential treatment facility back to the statutory definition instead of a regulatory definition.
- Adds employment agency to provide nonmedical services, outpatient facility, recovery center, psychiatric residential treatment facility to NAC 449.0168 (Fees for modification of certain licenses).
- Removes the word “ironed” as it relates to linen from several sections.
- Updates cardiopulmonary resuscitation (CPR) training requirements to include an in-person instruction, combination of in-person and virtual instruction, or virtual instruction only if an interactive, hands-on skills training component is provided in several sections.
- Clarifies regulatory language as to which residents are not admissible into a residential facility for groups and clarifies when waivers are required for admission and when they are not. The proposed regulations also allow a patient of a hospice program to be admitted into a residential facility for groups without prior approval so long as the resident is retained pursuant to subsection 6 of section 44 of the proposed regulations.
- Conforms with Senate Bill 298 of the 2023 Nevada Legislative session as it relates to involuntary discharges.
- Omits provisions in current regulations that were determined to be an extra burden on industry without adding benefit to public safety.
- Expands the scope of services that can be provided by attendants working at an agency providing personal care services in the home.
- Requires skilled nursing facilities to comply with the provisions of 42 CFR 483.10(f) (4) relating to the visitation of patients.

- Propose changes to NAC 449.793 to allow, in addition to physicians, a physician assistant or advanced practice registered nurse to serve on the Committee to provide quarterly reviews of sampled patient records receiving services from an agency to provide nursing in the home.

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.

Pursuant to NRS 233B.0608 (2)(a), the Division of Purchasing and Compliance (formerly Division of Public and Behavioral Health (DPBH)) requested input from small businesses that may be affected by the proposed regulations.

Notice was sent to all NRS and NAC Chapter 449 licensed health facilities that were licensed at the time of the notice distribution, to members of the public who have chosen to subscribe to the Division's health facility specific ListServs and to representatives of the Nevada Health Care Association, Nevada Hospital Association, and Nevada Rural Hospital Partners. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH/NVHA, members of the public subscribed to the Division's health facility specific ListServs and the three entities previously noted on February 8, 2024. The proposed regulations were also posted on DPBH's website.

The questions on the questionnaire were:

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?

Summary of Responses

Summary of Comments Received (5 responses were received out of a minimum of 2,637 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**

Yes- 3 No - 1	Yes – 2 No - 2	Yes – 2 No – 2	Yes – 0 No – 3 1 left answered.
Comments: Are we allowing diabetic injection administration in group home setting? The regulation seems confusing on this regard. This will definitely increase liability insurance for the business. Depending on how the Cultural Competency Training requirements shake out there could be a significant adverse impact. Sec.13. Inter-facility infection control transfer form Facility staff will need to spend 15 minutes completing additional forms that contain information which can be very easily communicated verbally in seconds. This wasted time will decrease staff productivity and take staff time away from direct resident care. The larger negative impact will be on the elderly and disabled that we serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated cost will range from $10,000 to $30,000 annually in staff time, opportunity cost, risk of injury to residents while staff is not able to be attentive to residents because they are drowning in paperwork, facility liability from increased resident risk. SB 298 of the 2023 legislative session, Sec 10.2. Allowing residents up to 45 days to pay their monthly fees	Comments: No need for landline with the business name, one less cost for the operator. I understand that non-medical may be allowed to administer medications under certain scenarios, if so this would be a positive development	Comments: Increasing acuity in the care of elderly residents, but the reimbursement remained unchanged.	Comments: Fewer potential clients who can afford my facility.

Residential Facilities for Groups will be significantly more negatively affected by this, as they have lower fees and fewer beds. These facilities simply cannot afford to keep their doors open if they have to go 1.5 months without revenue. Like all regulations, the macro impact will be negative for the elderly and disabled that we serve, as facilities will be forced to again increase their fees and price more individuals out of their facilities, limiting access to care for the elderly and disabled who need it most. The anticipated annual cost will be $96,000 (the monthly operating costs over 12 months).			

One of the responses was received via email and noted:
"Would be nice if licensed rfa is applying for new license for pca to consider rfa in lieu of high school diploma.... just saying."

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to Leticia Metherell, RN, CPM, HPM III at the Division of Purchasing and Compliance at:

Division of Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

2) Describe the manner in which the analysis was conducted.

An analysis of industry input collected was conducted by a health program manager. The analysis involved analyzing feedback obtained from the small business impact questionnaire, review of the proposed regulations, review of statutes, and review of literature to help determine the economic impact to small business. Please see number 4 for the methods the agency considered to reduce the impact of the proposed regulations on small businesses. This information was then used to complete this small business impact

statement including the conclusion on the impact of the proposed regulation on a small business found in number 8.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

Direct Beneficial Effects: There may be direct beneficial effects, for example, if a facility currently has a landline telephone and a cellphone, and due to the passage of the proposed regulations decides to only keep a cellphone, it will save on the costs of a landline telephone.

Indirect Beneficial Effects: Indirect beneficial effects (some of which may produce direct beneficial effects) include:

- Clarifying that residents with peripherally inserted central catheters or peritoneal catheters may be admitted or retained in a residential facility if certain conditions are met. This may have a positive financial impact if it avoids the discharge of a resident and maintains the associated revenue.
- The use of the inter-facility infection control transfer form may result in a positive impact on revenue. If a facility is aware that a new admission has an infectious organism, it can put measures in place to help prevent the spread of such organism and save money on resources such as an increased use of personal protective equipment that may be associated with the spread of an infectious organism in a facility.
- Removing the need to include certain documents to obtain a license results in the ability for the Division to process and approve an application in a more efficient manner, which may result in the ability for a business to open and start collecting revenue more quickly.
- Increasing the timeframe from which a licensee shall notify the Division of a change in administrator of the facility and pay any associated late fee from 10 to 30 days will provide a more realistic timeframe for facilities to provide such notification; therefore, potentially avoiding the late fee.
- Removing requirements related to ironing, posting telephone numbers in a telephone directory, providing flexibility to use a cellphone, and reducing the burden related to written waivers that must be submitted to the Division, pursuant to NAC 449.2736, may all have a positive financial impact on a business.
- Expanding the scope of services that may be provided by a personal care agency through its attendants may result in less clients leaving personal care agencies or allow an agency to attract a greater number of clients; therefore, potentially preventing the loss of revenue or increasing revenue.
- Allowing physician assistants or advanced practice registered nurses, in addition to physicians, to be appointed to the Committee pursuant to NAC 449.793, may result in salary savings. In addition, removing the requirement that a branch office of home agency be small to establish one Committee, instead of more than one

Committee, may result in cost saving through increased efficiencies and a saving on salaries to maintain more than one Committee.

Direct Adverse Effects: Direct adverse effects include the cost for an employment agency to provide nonmedical services, an outpatient facility, a recovery center, or a psychiatric residential treatment facility to modify its license. The cost to modify the license is $250; the estimated financial impact depends on how many times a facility modifies its license and if it never modifies its license the cost would be $0.

Indirect Adverse Effects: Review of comments received from the small business impact questionnaire revealed that taking 15 minutes to complete the inter-facility infection control transfer form would result in a negative financial impact (see comments in summary of responses table). The proposed regulations clarify that the inter-facility infection control transfer form does not need to be completed on every patient, but only if the facility is aware of or suspects a patient currently has an infection, colonization or a history of a positive culture of a multidrug-resistant organism or other potentially transmissible infectious organism. According to the CDC's Health Topics – Healthcare-associated infections (HAI) webpage (https://www.cdc.gov/policy/polaris/healthtopics/hai/index.html):
"HAIs in U.S. hospitals have direct medical costs of at least $28.4 billion each year. They also account for an additional $12.4 billion in costs to society from early deaths and lost productivity."

There have been reports of patients being transferred to a receiving facility without notification or notification in a manner that brings attention to the patient's infectious disease status before the patient is integrated into the facility, indicating that the patient has an infectious disease or is colonized with an organism such as candida auris. The purpose of the form is to foster communication during this critical transition to help ensure the receiving facility is aware of the patient's infectious disease status so it can implement any necessary measures to keep its population safe. Therefore, although there may be some additional staff time involved to complete the form, it is anticipated that the potential for the prevention of the spread of an infectious disease using the form may have a positive financial impact.

The impact of the cultural competency regulations is not addressed here as those were addressed as part of the LCB File No. R004-24 regulatory process.

There was a comment related to the negative financial impact because of the passage of SB 298 of the 82nd legislative session (2023). The proposed regulations bring current regulations in line with SB 298 and do not provide any additional requirements beyond what is required in the bill; therefore, any negative impact on business, if any, is a direct result of the passage of SB 298 and not of the proposed regulations being moved forward.

There was also concern expressed that allowing diabetic injection administration in a group home setting would increase liability insurance for business. The section that amended NAC 449.2276 related to the care of people who have diabetes was removed from the proposed regulations; therefore, there is no new financial impact to the LCB Draft of Revised Proposed Regulation R089-24 related to this issue.

4) Provide 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 Division of Purchasing and Compliance has identified and used methods to reduce the impact of the proposed regulations on small businesses including making modifications to the proposed regulations based on industry feedback, implementing SB 298 of the 82nd legislative session (2023) without adding any additional regulatory requirements beyond what is required by the bill, eliminating provisions of regulations that increase regulatory burden, and modifying current regulations to reduce the regulatory burden on licensed health care facilities. The proposed regulations were modified, based on feedback received from industry, to reflect that an individual licensed by the Board of Examiners for Long-Term Care Administrators pursuant to chapter 654 of NRS or an individual with a high school diploma or its equivalent meets the educational requirement be the administrator of a personal care agency. This does not require an individual to be licensed by the Board of Examiners for Long-Term Care Administrators to become an administrator of a personal care agency but instead provides another avenue to meet this requirement.

Certain sections, as noted below, were heard before the Board of Health on April 28, 2023.
Text of Repealed Sections: NAC 449.079
Section 23: NAC 449.126
Section 27: NAC 449.15357
Section 28: NAC 449.154991 (2)
Section 34: NAC 449.232 (3)
Section 50: NAC 449.39516 (2) (b)
Section 73: NAC 449.74357 (removed “ironed” from (4)
Section 74: NAC 449.74417 (2) (a)

There was no testimony in support or against the above sections heard at the Board of Health on April 28, 2023. There was testimony provided related to cultural competency proposed regulations. Cultural competency proposed regulations are addressed in LCB File No. R004-24.

A public workshop was held on April 24, 2024.

Twenty-eight (28) individuals, including State staff, participated in the public workshop virtually. One State staff member participated in person and, for a total of twenty-nine (29) participants. Five (5) individuals provided testimony during the public workshop.

Below is a summary of the testimony provided by the five (5) individuals during the public workshop.

Testimony #1

The person providing the testimony noted he appreciates the work on the proposed regulations, but expressed concern related to requiring in-person CPR training instead of allowing a 100% virtual option. The person providing testimony recommended the Division allow a virtual training option that fits the same requirements that can be met in person.

In addition, although the person providing testimony supported the change that would allow personal care attendants to administer medications, he had a concern related to the 16 hours of training being added. The concern noted that the hours for training are not reimbursed by the Division. He felt that paying for the training would create a huge challenge and burden to personal care agencies. He noted that when you consider all the required training, it results in a huge cost to providers without being reimbursed by the state for this training. He noted all the training courses required are unfunded or unreimbursed; therefore, he would love to see the Division find a way to help reimburse these training courses, especially around medication administration, as he believes it is of great added value to the state. Examples of the added value to the state include clients being able to remain in the least restrictive environment and reducing costs to the overall health care system.

Testimony #2

The person providing testimony noted she was in opposition to Senate Bill 298 as it relates to involuntary discharges from residential facilities for groups. She explained they were a small nonprofit who specializes in caring for people with complex medical needs and brain injuries who need maximum assistance and that their mission is to provide housing for the disabled population in need. She noted that since the inception of Senate Bill 298, they have gone completely unfunded with four clients. She noted the services they provide are so extensive it costs an average of $400.00 per day per client to provide the services. She provided several examples of clients that were unfunded. She noted there was no avenue to discharge the clients leaving them with the responsibility of bearing the costs.

She also gave an example of a client who was provided with notice because he was violent, and his behaviors were out of control for their setting. She noted no other setting would

accept him; therefore, their staff had to care for him, even though their staff were at risk due to his violence.

She noted there are two parts to this bill that were concerning. One is rent and that covers the residence, but the other, more concerning part, is the services that are provided. She testified the services that are provided are quite extensive and very, very expensive because there are no discharge (DC) plans for many of the clients. She noted they are not required per Senate Bill 298 to continue the plan of care indefinitely at a significant cost to them with no updates to the plan as needed since the state is the entity responsible for initially writing this plan. Now, not only do they need to provide these expensive and extensive services, but they must hire additional clinical personnel to update the plan accordingly. She questioned whether that was even permissible since Senate Bill 298 states specifically, they will continue the same services. She noted this could be detrimental to their clients as their needs do change over time.

She asked the following questions:
Where are these safe discharge sites at the Community level?
And since the state is mandating that services need to be continued, should the burden not be placed on the state if there is no other safe discharge for clients who have lost their Medicaid yet still require the services? Or is this burden going to continue to be placed on these providers, which I believe will place us all at great risk.

Testimony #3

The person providing testimony noted they have three hospitals in the State of Nevada, and she wanted to voice her support for the increased time frame from 10 to 30 days related to the change of administrator application.

Testimony #4

The person had questions related to current regulations and did not have questions specific to the proposed regulations.

Testimony #5

The person testified she had safety concerns related to the proposed regulations including concerns with the trimming of fingernails and toenails. She noted it was recommended that people with diabetes have their toenails cut by a podiatrist and that they don't do it themselves. She noted the regulations could result in untrained people cutting people's toenails. She felt that there was a danger with no training including a diabetic losing a foot.

The other concern was related to the range of motion exercises. She noted these are provided by a medical professional, such as a physical therapist.

She noted there is no kind of training mentioned for range of motion exercises or trimming nails, and she felt this would be putting clients in danger and she is opposed to those.

She made a comment related to the medication training requirements, and noted she believed we were talking about the Med tech training.

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

The estimated cost for the agency to enforce the proposed regulations would be $0 to $17,000 per year depending on the number of requests received to modify a license pursuant to NAC 449.0168, if any. The fee noted in number 6 would be used to pay for this cost.

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

There currently is an existing fee pursuant to NAC 449.0168 (Section 21) that allows the Division to assess a fee of $250 to modify the license of a medical facility, facility for the dependent, program of hospice care or a referral agency. As new facility types are added by new statutes or in accordance with statutory authority, they may not be included in the definition of a medical facility or facility for the dependent or added to NAC 449.0168, then the Division is not authorized to collect the $250 fee to modify a license. The proposed regulations add an employment agency to provide nonmedical services as defined in NAC 449.0033, an outpatient facility defined pursuant to NAC 449.999417, a recovery center defined pursuant to NAC 449.99702, and a psychiatric residential treatment facility as defined in NRS 449.1195, to NAC 449.0168 to be able to collect such a fee.

The total annual amount DPBH expects to collect is unknown because there is no way to determine if any of the above-mentioned facilities will apply for a modification of its license or the number of times it may modify its license in a given year. If none of the facilities modifies its license the amount collected in a year would be $0 and if every currently licensed facility added to NAC 449.0168 modified its license pursuant to NAC 449.0168 the total amount collected in a year would be approximately $17,000.

The money would be used to cover the Division's operating costs related to the work associated with the modification of a license including applicable application processing and inspection costs.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

Certification by the Centers for Medicare and Medicaid Services (CMS) is voluntary but state licensure is mandatory for skilled nursing facilities. As such, both federal and state regulations are needed, as there is a possibility that a facility chooses to be state licensed only, in which case the CMS federal regulations would not apply, but the state regulations would apply.

The proposed regulations are not more stringent than the federal regulations for skilled nursing facilities. The proposed regulations require a skilled nursing facility to follow federal CMS visitation guidelines which eliminate any conflicts between state and federal visitation regulatory guidelines.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reason for this conclusion is based on the analysis conducted pursuant to number two of this document. After review of statutes, the proposed regulations, feedback from industry, modifications made to the proposed regulations, a conclusion could be drawn regarding the impact of the regulations on small businesses.

Certification by Person Responsible for the Agency

I, Todd Rich, Administrator of the Division of Purchasing and Compliance certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 10/02/25

R094-24

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R094-24

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

AUTHORITY: § 1, NRS 385.080 and 385.114; §§ 2 and 3, NRS 385.080, 394.221 and 394.241.

A REGULATION relating to education; replacing AdvancED with Cognia as an organization that provides accreditation to secondary educational institutions that provide certain correspondence courses and to private elementary and secondary educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to prescribe and cause to be enforced the courses of study for the public schools of this State. (NRS 385.114) Existing regulations require a school district to grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, if the pupil successfully completes a correspondence course that is equivalent to a course offered in the regular program in the school district and the correspondence course is provided by an accredited secondary educational institution. (NAC 389.680) **Section 1** of this regulation replaces AdvancEd with Cognia as one of the entities authorized to provide such accreditation because, in 2018, AdvancEd merged with Measured Progress to become Cognia.

Existing law requires a private elementary or secondary educational institution desiring to operate in this State to obtain a license from the State Board. (NRS 394.251) Existing regulations establish different requirements for such a license based on whether or not the applicant for the license is accredited by AdvancEd or its successor organization. (NAC 394.025) **Sections 2 and 3** of this regulation replace AdvancEd with Cognia because of the merger of AdvancED with Measured Progress to create Cognia. (NAC 394.025, 394.200)

Section 1. NAC 389.680 is hereby amended to read as follows:

389.680 1. A school district may, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward

completion of an adult high school program for his or her successful completion of a correspondence course if:

(a) The course is provided by a secondary educational institution which is approved by the State Board of Education; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, for his or her successful completion of a correspondence course if:

(a) The course is provided and credit was issued by a secondary educational institution which is accredited by:

(1) The Middle States Association of Colleges and Schools;

(2) The New England Association of Schools and Colleges;

(3) The North Central Association of Colleges and Schools;

(4) ~~[AdvancED]~~ ***Cognia*** or its successor organization, or any affiliate thereof;

(5) The Southern Association of Colleges and Schools; or

(6) The Western Association of Schools and Colleges; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

Sec. 2. NAC 394.025 is hereby amended to read as follows:

394.025 1. An applicant that is not accredited by ~~[AdvancED]~~ ***Cognia*** or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020, 394.030 to 394.180, inclusive, and 394.250 to 394.265, inclusive.

2. An applicant that is accredited by ~~[AdvancED]~~ ***Cognia*** or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020 and 394.200 to 394.265, inclusive.

Sec. 3. NAC 394.200 is hereby amended to read as follows:

394.200 An applicant shall submit to the Department, on a form prescribed by the Department:

1. Documentation sufficient to verify the accreditation of the private school by ~~[AdvancED]~~ ***Cognia*** or its successor organization, or any affiliate thereof.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with NRS 394.190.

6. Plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. “As-built” drawings must be submitted for existing facilities.

7. Evidence that a surety bond or certificate of deposit has been filed pursuant to NRS 394.271.

8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.

9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.

10. A statement of assurance that pupils will be admitted to the private school without regard to race.

11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.

12. Three local references attesting to the character and reputation of the owner or chair of the board of trustees of the private school.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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December 18, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 389 and 394:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation is necessary to create consistency for the naming of an accreditation body for private schools and correspondence courses.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.
   There was no public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 ; Hearing 1 on 12/4/24: 23 Hearing 2 on 11/12/25: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.** Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.
   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 12/14/24 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation with the same language on November 4, 2024 and again on November 12, 2025, with the same language. No changes were requested and it was adopted without change. The regulation went before the State Board of Education for a second time on 11/12/25 due to an error based on internal staffing changes.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R094-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:04AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 385.114 states that the "*State Board to prescribe and cause enforcement of courses of study for public schools";* NRS 394.221 states that "*The Board shall adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act"* and NRS 394.241 requires "*Maintenance and operation in compliance with minimum standards; accreditation as evidence of compliance".*

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation updates references to AdvanceEd with Cognia as an organization that provides accreditation.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same**

activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Nevada Department of Education
Nevada State Board of Education

December 4, 2024
2:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

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The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates
    - Nevada System of Higher Education (NSHE) Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates
    - Read By Grade 3 Update
    - Recommendations on Nevada Educator Performance Framework

6. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Private School License Renewals
    b. Possible Approval of Work-based Learning Biennial Report
    c. Possible Approval of November 6, 2024, State Board of Education Meeting Minutes

7. **2:10 PM Public Hearing to Solicit Comments on Proposed Regulation R094-24 Pertaining to NAC 389.680, NAC 394.025, and NAC 394.200** *(Information, Discussion, and Possible Action)*
   The Board will consider the proposed regulation for changes to the Nevada Administrative Code updating the accreditation agency from AdvancEd to Cognia.
    - Barbara Bidell, Education Programs Professional, Office of Students and School Supports

8. **Information and Discussion Pursuant to NRS 385.040 Focusing on the Goals and Benchmarks of the State for Improving Student Achievement** *(Information and Discussion)*
   Pursuant to NRS 385.040(2), the Board has extended invitations to key stakeholders in the public education system of the State, including the superintendents and presidents of the boards of trustees from various school districts, representatives from the governing bodies of charter schools and university schools for profoundly gifted pupils, as well as chairs of all relevant boards, commissions, and councils. This meeting provides an opportunity for participants to share their accomplishments and insights, promoting collaboration across our educational system.
    - Felicia Ortiz, President, Nevada State Board of Education

9. **Information and Discussion Regarding Discipline Data** *(Information and Discussion)*
   The Board will hear a presentation regarding an update on the discipline data.
    - Christy McGill, Deputy Superintendent for Educator Effectiveness and Family Engagement
    - Lexi Kovalovich, Education Program Professional
    - Dr. LaMarca, Washoe County School District
    - Dr. Kendrick, Washoe County School District
    - Dr. Scavella, Clark County School District

10. **Recognition and Celebration of State Board Members**
    To acknowledge and celebrate the contributions and achievements of current State Board Members.

11. **Future Agenda Items** *(Information and Discussion)*
    - Dual Credit Programs by NSHE
    - Clark County School District's Reorganization Compliance Report NRS 388G
    - ESSER update
    - State Board of Education, By Laws
    - Absenteeism/Truancy
    - Developmental Delay, Disabilities Education Act IDEA

12. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

13. Adjournment

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

October 24, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R094-24.

The STATE BOARD will hold a public hearing **at 2:00 PM** on Wednesday, December 4th, 2024, via Livestream Link**.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 389.680, NAC 394.025, and NAC 394.200 and of the Nevada Administrative Code (NAC), pursuant to NRS 385.080, NRS 385.11, sections 2 and 3, NRS 394.221, and NRS 394.241 regarding updating the accrediting body organizational name.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**

    - Revisions are necessary to make statutory requirements to replace AdvanceEd with Cognia as the accreditation agency since the organization has changed its' name.

2. **If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.**

    The revised text of the proposed regulation is attached to this notice.

    Description of the proposed regulation, or the subjects and issues involved: The revised text of the proposed regulation is attached to this notice.

3. **Estimated economic effect of the regulation on the business which it is to regulate and on the public.** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

4. **Method used by the agency in determining the impact on a small business:** Small business is not impacted by this regulation.

5. **Estimated cost to the agency for enforcement of the proposed regulation**: no costs.

6. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local governmental agencies.

7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulation.

9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Event - March 29, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education (nv.gov) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the Nevada Department of Education, **Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas,** Nevada. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, December 3rd. A record of all submitted comments will be retained, and the Department or Board will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

NEVADA DEPARTMENT OF EDUCATION
WORKSHOP
October 10, 2024
2:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

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AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.660 – 1, 2 – REMOVING TWO ASSESSMENT NAMES** *(For possible action)*
   The proposed changes seek to remove to assessment names from existing NAC.
   - Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. **2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.680 – CREDIT FOR CORRESPONDENCE COURSES** *(For possible action)*

The proposed changes seek to update approved accredited bodies identified in the NAC.

- Nancy Olsen, Education Programs Supervisor, Office of Career Readiness, Adult Learning, and Education Options

5. **2:04 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.025 and NAC 394.200 – ALIGN PRIVATE SCHOOL LICENSING LANGUAGE WITH NRS**

   The proposed changes seek to update the accreditation agency in NAC.

   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

6. **PUBLIC COMMENT #2**

   Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

7. **ADJOURNMENT**

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, October, 10** is Livestream Link and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

2:04 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 394.025 and 394.200— To Align and Update Private School Licensing Language with NRS.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, October 9, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
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Phone: (702) 486-6458
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STATE OF NEVADA
DEPARTMENT OF EDUCATION

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Notice of Workshop to Solicit Comments on Proposed Regulation

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2:02 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 389.680 – Credit for Correspondence Courses.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, October 9, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
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STATE OF NEVADA
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: September 17, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.680

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding correspondence credit courses is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R110-24

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

AUTHORITY: § 1, NRS 388.419 and 388.519.

A REGULATION relating to education; prescribing requirements governing assessments of the development of language and literacy skills in certain children with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to prescribe by regulation criteria for school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. (NRS 388.519) This regulation prescribes: (1) the criteria that such an assessment must satisfy; and (2) the required qualifications of persons involved in the administration or interpretation of such an assessment. This regulation also requires a school employee or a provider of services that administers such an assessment, or the employer thereof, to provide the results of the assessment to the parent or legal guardian of the child who was assessed in a prompt and accessible manner.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When evaluating the development of language and literacy skills by a child who is less than 6 years of age who is deaf, hard of hearing, blind or visually impaired, a school employee or a provider of services shall use a formal assessment that:

(a) Evaluates the language and literacy strengths and abilities of the child and compare his or her results with the expected skills of children in the relevant age group;

(b) Measures language and literacy skills in accordance with standards designed for the target population of the assessment;

(c) Uses criteria for and methods of evaluation that:

(1) Are culturally sensitive, developmentally appropriate and individualized according to the primary mode of communication of the child and his or her parent or legal guardian; and

(2) Holistically consider the development of language and literacy skills of the child relative to such development of children in his or her community; and

(d) Is selected in consultation with the family of the child.

2. Any person who is responsible for administering or interpreting an assessment pursuant to this section must be trained in the specific assessment and:

(a) If the person is a school employee, hold a license or endorsement that is appropriate for his or her role in administering or interpreting the assessment; or

(b) If the person is an employee of another provider of services, satisfy the requirements for his or her role in administering or interpreting the assessment, as set forth by his or her employer.

3. A school employee or a provider of early intervention services that administers an assessment pursuant to this section, or the employer thereof, shall, upon completion of such an assessment, promptly make the results of the assessment available to the parent or legal guardian of a child who undergoes the assessment. The results of the assessment must be provided in a format that is appropriate for the parent or legal guardian, based upon his or her primary mode of communication.

4. As used in this section:

(a) "Primary mode of communication" means the method by which a person most often communicates. The term may include, without limitation, spoken or written English, visual supplements, American Sign Language or Braille.

(b) "Provider of early intervention services" means a person or entity that provides early intervention services through the Aging and Disability Services Division of the Department of Human Services to:

(1) A child who is less than 3 years of age and has developmental delays or disabilities; and

(2) The parent or legal guardian of a child described in subparagraph (1).

(c) "Provider of services" includes, without limitation, a provider of early intervention services.

Joe Lombardo
Governor

Dr. Victor
Wakefield
Superintendent of
Public Instruction

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STATE BOARD OF EDUCATION

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January 2, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation is necessary for improving criteria for assessing the language and literacy development skills of visually impaired, deaf, hard of hearing, and blind children under the age of six.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 ; Hearing: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 4/22/25 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation with the same language on November 12, 2025. No changes were requested and it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R110-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services"* and NRS 388.519 states that *"the State Board shall…prescribe by regulation criteria for use by school employees and provers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including… children who are both deaf and blind."*

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation prescribes the criteria that an assessment to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of persons involved in the administration or interpretation of such an assessment. These regulations were informed by the Advisory Committee on Language Development for Children who are Deaf, Hard of Hearing, Blind, or Visually Impaired.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** There is no duplication or overlap of regulations of state and local government agencies.

8. **Whether the regulation is required by federal law:** Related to IDEA provisions.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. **Whether the proposed regulation establishes a new fee or increase an existing fee:** No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, April 22, 2024** is Livestream Link and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

3:20 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 388.5175, NAC 388.518, NAC 388.5185, NAC 388.519, and NAC 388.595 — To update Language for Language Development for Children who are deaf, hard of hearing, blind, and visually impaired.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Friday, April 19, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

NEVADA DEPARTMENT OF EDUCATION
April 22, 2024
3:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.015 – REMOVE IDENTIFICATION NUMBERS ON PUPILS RECORDS IN PUBLIC SCHOOLS** *(For possible action)*
   The proposed changes seek to remove social security numbers on public school pupil records .
   - Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. **3:08 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.488 – PHYSICAL EDUCATION EXEMPTION** *(For possible action)*

The proposed changes seek to make changes to language concerning exemption and credit options for physical education.

- Cindi Chang, Director, Office of Teaching and Learning

5. **3:11 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 391.285– EDORSEMENT TO TEACH READING**
   The proposed changes seek to update language relating to the endorsement to teach reading.
   - Cindi Chang, Director, Office of Teaching and Learning

6. **3:14 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.141 and CHAPTER 388.395 - VISUAL IMPAIRMENT ELIBILITY CRITERIA.**
   The proposed changes seek to update visual impairment criteria.
   - Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

7. **3:17 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE NAC CHAPTER 388. 5175, NAC 388.518, NAC 388.519, AND NAC 388.595 – LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF, HARD OF HEARING, BLIND, OR VISUALLY IMPAIRED.**
   - Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

8. **3:20 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388D.070– UPDATE EDUCATION CHOICE SCHOLARSHIP.**
   The proposed changes seek to change the date on the educational choice scholarship report.
   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

9. **3:23 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.235 – CRISIS PLANS FOR PRIVATE SCHOOLS**
   The proposed changes seek to update the language for private school crisis plans.
   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

10. **3:26 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.030, NAC 394.200, and NAC 394.025 – ALIGN PRIVATE SCHOOL LICENSING LANGUAGE WITH NRS**
    The proposed changes seek to update accreditation agency in NAC.
    - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

11. **PUBLIC COMMENT #2**
    Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

12. **ADJOURNMENT**

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R110-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services"* and NRS 388.519 states that *"the State Board shall…prescribe by regulation criteria for use by school employees and provers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including… children who are both deaf and blind."*

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation prescribes the criteria that an assessment to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of persons involved in the administration or interpretation of such an assessment. These regulations were informed by the Advisory Committee on Language Development for Children who are Deaf, Hard of Hearing, Blind, or Visually Impaired.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** There is no duplication or overlap of regulations of state and local government agencies.

8. **Whether the regulation is required by federal law:** Related to IDEA provisions.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. **Whether the proposed regulation establishes a new fee or increase an existing fee:** No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office 2080
East Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: April 5, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.5175, NAC Chapter 388.518, NAC Chapter 388.5185, NAC Chapter 388.519, and NAC Chapter 388.5195 – Language Development for Children who are deaf, hard of hearing, blind, and visually impaired

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the beast of my knowledge or belief:

1. The proposed regulation regarding language development for children who are deaf, hard of hearing, blind, and visually impaired is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R111-24

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

AUTHORITY: § 1, NRS 385.080; §§ 2-4, NRS 385.080 and 388.419.

A REGULATION relating to education; revising the criteria for a pupil with a visual impairment to be eligible for special education and related services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.419) Existing regulations set forth the medical requirements that a pupil must satisfy for the pupil to be considered to have a severe or moderate visual impairment or to have deaf-blindness, and therefore be eligible for special education and related services. (NAC 388.395, 388.427) Existing regulations define the term "visual impairment" to mean an impairment in vision which, despite correction, adversely affects or will adversely affect the ability of a pupil to benefit from or participate in an educational program without the assistance of special education. (NAC 388.141) **Section 1** of this regulation expands that definition to include any impairment in vision which adversely affects the educational performance of a pupil. **Sections 2 and 4** of this regulation authorize a pupil with a visual impairment that does not meet the criteria established in existing regulations to nonetheless be eligible for special education or related services if, because of the visual impairment, the pupil needs special education or related services. **Section 3** of this regulation makes a conforming change to update internal references changed by **section 2**.

Section 1. NAC 388.141 is hereby amended to read as follows:

388.141 "Visual impairment" means an impairment in vision which, [~~despite~~] ***even with*** correction, adversely affects [~~or will adversely affect~~] the [~~ability~~] ***educational performance*** of a pupil . [~~to benefit from or participate in an educational program without the assistance of special education.~~] ***The term includes, without limitation, partial sight or blindness.***

Sec. 2. NAC 388.395 is hereby amended to read as follows:

388.395 1. A pupil with a severe visual impairment is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections ~~[~~4 and ~~5,]~~ ***5 and 6,*** concludes that the pupil has a severe visual impairment and, by reason thereof, needs special education and related services ***.*** ~~[and:]~~ ***A pupil has a severe visual impairment if any one or more of the following criteria are satisfied:***

(a) The visual acuity of the pupil does not exceed 20/200 in the better eye;

(b) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or

(c) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or both of the conditions described in paragraphs (a) and (b).

2. A pupil with a moderate visual impairment is eligible for special education and related services if the eligibility team ***, comprised of the persons described in subsections 5 and 6,*** concludes that the pupil can use vision as the main channel of learning, that the pupil has a moderate visual impairment and, by reason thereof, needs special education and related services ***.*** ~~[and that:]~~ ***A pupil has a moderate visual impairment if any one or more of the following criteria are satisfied:***

(a) The visual acuity of the pupil is 20/70 or less in the better eye with the best possible correction; or

(b) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be the condition described in paragraph (a).

3. ***A pupil has a visual impairment and is eligible for special education and related services if an eligibility team, comprised of the persons described in subsections 5 and 6,***

concludes that the pupil has a visual impairment not described in subsection 1 or 2 and, by reason thereof, needs special education or related services.

4. A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

~~[4.]~~ ***5.*** The eligibility team may include a teacher or specialist in the field of vision impairment and must consist of a parent of the pupil and not fewer than three persons with expertise in one or more of the following areas:

(a) Vision.

(b) Vision impairment.

(c) The interpretation of an assessment of health or academic achievement.

~~[5.]~~ ***6.*** If the requirements of subsection ~~[4]~~ ***5*** are satisfied, one or more of the following persons may serve on the eligibility team:

(a) A regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil.

(b) If not otherwise a member of the team, one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil.

~~[6.]~~ ***7.*** The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

(a) A comprehensive examination of vision of the pupil, performed by an eye specialist; and

(b) An assessment of the health and academic achievement of the pupil.

~~[7.]~~ ***8.*** If the requirements of subsection ~~[6]~~ ***7*** are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

Sec. 3. NAC 388.425 is hereby amended to read as follows:

388.425 1. A pupil with multiple impairments is eligible for special education and related services if the pupil meets the requirements for eligibility set forth in NAC 388.410 for pupils with intellectual disabilities and the eligibility team, comprised of the persons described in subsection 2, concludes that the pupil meets the requirements for eligibility for any additional disabling condition, other than a specific learning disability, developmental delay, deaf-blindness or a speech and language impairment, set forth in NAC 388.330 to 388.440, inclusive.

2. The eligibility team must consist of:

(a) The persons described in subsection 5 of NAC 388.410; and

(b) To the extent their presence on the team is not provided for by paragraph (a), the persons included on the team pursuant to:

(1) Subsection 2 of NAC 388.387;

(2) Subsections 5 and 6 of NAC 388.390;

(3) Subsections ~~[4]~~ *5* and ~~[5]~~ *6* of NAC 388.395;

(4) Subsection 3 of NAC 388.400;

(5) Subsection 3 of NAC 388.402;

(6) Subsection 2 of NAC 388.407; or

(7) Subsection 4 of NAC 388.415,

➥ whichever applies.

3. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include an assessment of:

(a) The information described in subsection 7 of NAC 388.410; and

(b) To the extent its assessment is not provided for by paragraph (a), the information included in the assessment pursuant to:

(1) Subsection 3 of NAC 388.387;

(2) Subsections 7 and 8 of NAC 388.390;

(3) Subsections ~~[6]~~ *7* and ~~[7]~~ *8* of NAC 388.395;

(4) Subsections 4 and 5 of NAC 388.400;

(5) Subsections 4 and 5 of NAC 388.402;

(6) Subsections 3 and 4 of NAC 388.407; or

(7) Subsection 5 of NAC 388.415,

➥ whichever applies.

Sec. 4. NAC 388.427 is hereby amended to read as follows:

388.427 1. A pupil with deaf-blindness is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections 4 and 5, concludes that:

(a) The pupil has a hearing impairment which satisfies any one or more of the following criteria:

(1) The pupil has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 26 decibels or more; or

(2) The pupil suffers from a progressive deterioration of the pupil's hearing, the probable result of which will be the condition described in subparagraph (1);

(b) The pupil has a visual impairment which satisfies ~~[one or more of]~~ the ~~[following]~~ criteria ~~[:~~

~~(1) The visual acuity of the pupil does not exceed 20/70 in the better eye with the best possible correction;~~

~~(2) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or~~

~~(3) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or more of the conditions described in subparagraphs (1) and (2);~~] ***set forth in NAC 388.395;*** and

(c) By reason thereof, the pupil needs special education and related services.

2. A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

3. A pupil with deaf-blindness may have other disabling conditions in addition to deaf-blindness.

4. The eligibility team must consist of:

(a) A teacher of special education or a regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil;

(b) A speech and language specialist;

(c) A person qualified to interpret an assessment of the health of the pupil;

(d) A parent of the pupil; and

(e) If not otherwise a member of the team, one or more persons qualified to interpret the comprehensive audiological and vision examinations required by subsection 6.

5. If the requirements of subsection 4 are satisfied, the eligibility team may include one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil.

6. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

(a) A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist;

(b) An assessment of the:

(1) Health of the pupil;

(2) Academic achievement of the pupil; and

(3) Speech and language of the pupil; and

(c) A comprehensive examination of vision of the pupil, performed by an eye specialist.

7. If the requirements of subsection 6 are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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STATE BOARD OF EDUCATION

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January 2, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation is necessary for improving criteria for children with visual impairment to be eligible for special education and services.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 ; Hearing: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 4/22/25 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation with the same language on November 12, 2025. No changes were requested and it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R111-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:01AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services."*

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation revises the definition "visual impairment" and authorizes a pupil with a visual impairment that does not meet certain criteria to be eligible for special education services should they need them.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** There is no duplication or overlap of regulations of state and local government agencies.

8. **Whether the regulation is required by federal law:** Related to IDEA provisions.

9. **Whether the regulation is more stringent than federal regulations regarding the same**

activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NEVADA DEPARTMENT OF EDUCATION
April 22, 2024
3:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.015 – REMOVE IDENTIFICATION NUMBERS ON PUPILS RECORDS IN PUBLIC SCHOOLS** *(For possible action)*
   The proposed changes seek to remove social security numbers on public school pupil records .
   - Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. **3:08 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.488 – PHYSICAL EDUCATION EXEMPTION** *(For possible action)*

The proposed changes seek to make changes to language concerning exemption and credit options for physical education.

- Cindi Chang, Director, Office of Teaching and Learning

5. **3:11 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 391.285– EDORSEMENT TO TEACH READING**
   The proposed changes seek to update language relating to the endorsement to teach reading.
   - Cindi Chang, Director, Office of Teaching and Learning

6. **3:14 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.141 and CHAPTER 388.395 - VISUAL IMPAIRMENT ELIBILITY CRITERIA.**
   The proposed changes seek to update visual impairment criteria.
   - Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

7. **3:17 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE NAC CHAPTER 388. 5175, NAC 388.518, NAC 388.519, AND NAC 388.595 – LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF, HARD OF HEARING, BLIND, OR VISUALLY IMPAIRED.**
   - Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

8. **3:20 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388D.070– UPDATE EDUCATION CHOICE SCHOLARSHIP.**
   The proposed changes seek to change the date on the educational choice scholarship report.
   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

9. **3:23 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.235 – CRISIS PLANS FOR PRIVATE SCHOOLS**
   The proposed changes seek to update the language for private school crisis plans.
   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

10. **3:26 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.030, NAC 394.200, and NAC 394.025 – ALIGN PRIVATE SCHOOL LICENSING LANGUAGE WITH NRS**
    The proposed changes seek to update accreditation agency in NAC.
    - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

11. **PUBLIC COMMENT #2**
    Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

12. **ADJOURNMENT**

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

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DEPARTMENT OF EDUCATION

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Friday, April 22nd, 2024,** via YouTube and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

3:17 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.141 and NAC Chapter 388.395 – Visual Impairment Eligibility Criteria.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Friday, April 19th, 2024.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: April 5, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.141 , NAC Chapter 388.395 – Visual Impairment Eligibility Criteria

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding visual impairment eligibility criteria is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

R123-24

ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R123-24

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

AUTHORITY: §§ 1-23 and 37-67, NRS 445A.135; §§ 24-36, NRS 445A.135 and 445A.160.

A REGULATION relating to water; making various changes to provisions relating to the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects; revising provisions governing certain disputes; revising requirements for proposals for financial assistance; revising the process for the environmental review of certain proposed projects; revising requirements for the preparation of an intended use plan and priority list by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; revising requirements for the approval of financial assistance; authorizing the Administrator of the Division to impose and collect certain fees; adopting certain accounting standards by reference; revising requirements relating to applicable federal and state law; revising certain duties of an eligible recipient of financial assistance; repealing certain provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects in the Fund for Water Projects Loans to finance the construction of projects of water pollution control, as authorized by the federal Clean Water Act, 33 U.S.C. §§ 1251, et seq., as amended; and (2) requires the State Environmental Commission to adopt regulations as necessary to carry out provisions of law related to the Account. (NRS 445A.120, 445A.135)

Sections 2-6 and 13-20 of this regulation define and interpret certain terms relating to projects of treatment works and water pollution control. **Section 12** of this regulation applies the definitions in existing law and **sections 2-5** relating to the waste water treatment works on pollution control projects to the provisions of **sections 2-11**.

Existing regulations require any dispute concerning the administration of provisions governing financial assistance for the construction of wastewater treatment works and pollution control projects that is not otherwise resolved to be referred to the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources for decision. (NAC 445A.730) **Sections 7 and 22** of this regulation provide that an applicant for or

an eligible recipient of financial assistance from the Account who has reason to believe that an action taken by an employee of the Division is incorrect or based on inadequate knowledge may request, progressively, an informal discussion, an informal conference, a determination by the Administrator of the Division and a review by the Director of the Department.

Section 8 of this regulation establishes: (1) requirements for proposals for financial assistance for certain pollution control projects; and (2) a process for resolving objections by applicants whose projects are bypassed on the priority list.

Section 9 of this regulation establishes requirements for a letter of intent which must be submitted by an applicant for financial assistance.

Section 10 of this regulation establishes certain requirements which an eligible recipient of financial assistance must satisfy before commencing the construction of a project. **Section 11** of this regulation: (1) requires contracts for architectural or engineering services for certain projects to be negotiated in the same manner as a contract for those types of services under federal law governing public buildings and works; (2) requires compliance with certain federal and state laws and processes; and (3) provides that the eligible recipient is solely responsible for the resolution of any disputes relating to bidding.

Section 21 of this regulation expands the primary purpose and permissible uses of the Account.

Existing regulations establish certain requirements for a facility plan for a proposed wastewater treatment works or pollution control project. (NAC 445A.737) **Section 23** of this regulation specifies certain items which must be included in a facility plan.

Existing regulations set forth a process for the environmental review of proposed projects. (NAC 445A.742-445A.762) **Section 26** of this regulation provides that the Division may grant a categorical exclusion from review pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., to certain actions for a treatment works for which there is sufficient evidence that a significant effect on the quality of the environment is unlikely. **Section 27** of this regulation: (1) shortens the amount of time which must be allowed for review of any categorical exclusion from 30 days to 15 days; and (2) provides that only comments which are determined to be significant in the discretion of the Division must be resolved before the process of environmental review is completed. **Section 29** of this regulation: (1) revises materials which the Division is required to review; (2) transfers the responsibility to prepare an environmental assessment from the Division to the applicant; and (3) provides that the Division shall not accept an environmental information document if the applicant has not made or agreed to make certain changes in the project. **Section 31** of this regulation requires the applicant to finalize the environmental assessment and make it available for review by the public. **Sections 24 and 25** of this regulation make conforming changes to reflect that the applicant is required to prepare the environmental assessment. **Section 32** of this regulation revises the circumstances under which the applicant is required to revise the environmental assessment. **Sections 30 and 33** of this regulation revise the circumstances under which the Division is required to ensure that an environmental impact statement is prepared and issued. **Sections 34 and 35** of this regulation: (1) require an applicant to join with the Division in convening with certain interested parties to determine the scope of an environmental impact statement that is required; (2) transfer the responsibility for preparing the environmental impact statement from the staff or contractor of

the Division to the applicant; and (3) require the response of the applicant to each significant comment received to be included in the final environmental impact statement. **Section 36** of this regulation transfers to the applicant the responsibility for preparing a supplemental environmental impact statement under certain circumstances.

Existing regulations require the Division to prepare an intended use plan and set forth the items which must be described in the plan. (NAC 445A.764) **Section 37** of this regulation: (1) requires the intended use plan to include descriptions of the affordability criteria that is intended to provide principal forgiveness loans to eligible recipients and the process for a waiver of fees due to hardship; and (2) sets forth certain requirements which must be satisfied by the Division in establishing the affordability criteria, developing the intended use plan and establishing certain reserves required or authorized by the federal Clean Water Act.

In 2023, the Nevada Legislature passed Assembly Bill No. 20 (A.B. 20), which transferred the responsibility for administering the Account from the Department to the Division and its Administrator. (Assembly Bill No. 20, chapter 69, Statutes of Nevada 2023, at page 329) Existing regulations require the Department to provide financial assistance from the Account to projects on a prioritized list developed by the Division. (NAC 445A.765-445A.7675) **Sections 38-41** of this regulation: (1) transfer the duty to provide that financial assistance from the Department to the Division; and (2) revise the processes by which the Division collects information on projects for inclusion on the list and ranks the priority of projects.

Section 42 of this regulation: (1) eliminates the requirement that an applicant submit a draft revenue program to obtain approval of financial assistance; and (2) revises the factors which are considered in awarding such approval. **Section 43** of this regulation requires, among other documents, an approval of certain information from the governing body or board, as applicable, of an applicant to obtain financial assistance from the Account.

Section 44 of this regulation eliminates certain requirements for an examination of the plans and specifications for a project.

Section 45 of this regulation sets forth certain documents which must be submitted by an applicant if a project will serve two or more eligible recipients.

Existing regulations: (1) authorize the Director, with the approval of the Department of Administration, to impose and collect a fee for each award of financial assistance; (2) establish a maximum for such a fee; and (3) require the money so collected to be used to defray the cost of administering the Account. (NAC 445A.775) **Section 47** of this regulation: (1) transfers the authority to impose and collect fees from the Director to the Administrator to conform with provisions of law amended by A.B. 20; (2) eliminates the specified maximum for any such fee; (3) establishes loan origination and service fees; (4) requires installment payments on a specified schedule for service fees; and (5) requires the Administrator to make available a hardship waiver of the loan origination fee, setting forth factors to be considered in determining whether a hardship exists.

Section 49 of this regulation revises the accounting standards which the Commission adopts by reference.

Sections 53-55 of this regulation revise provisions governing systems of user charges.

Sections 56-58 of this regulation revise references to provisions of federal and state law governing wages and equivalency requirements concerning the participation of disadvantaged businesses, with which eligible recipients must comply.

Sections 60 and 61 of this regulation: (1) require an eligible recipient to permit any authorized representative of the Division to enter onto the site of the project, regardless of ownership, at any reasonable time; and (2) revise the purposes and timing of oversight inspections conducted by the Division during the construction of a project.

Section 62 of this regulation revises the circumstances under which an eligible recipient is required to submit to the Division an operation and maintenance manual for the project.

Sections 16, 19-21, 28, 37, 38, 40, 43, 45-52, 54-57, 59, 60, and 62-66 of this regulation revise references to the Fund and recipients to instead reference the Account and eligible recipients, respectively.

Section 67 of this regulation repeals certain provisions that are redundant or have been incorporated in other sections of this regulation.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. ***"Affordability criteria" means the specific set of residential data which is used to designate an area in which, as compared to other communities in this State, residents disproportionately experience economic, environmental or health issues, including, without limitation, high rates of poverty or unemployment.***

Sec. 3. ***"Clean Water Act" means the Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended.***

Sec. 4. ***"Intermunicipal agency" means a service, agency, decision, plan or action undertaken or created by one or more municipalities on a cooperative basis.***

Sec. 5. ***"Principal forgiveness loan" means a loan to an eligible recipient on which interest does not accrue or for which the eligible recipient is not required to repay the principal amount of the loan.***

Sec. 6. ***For the purposes of NRS 445A.096, the Commission interprets the term "eligible recipient" to include:***

1. A municipality.

2. An interstate agency.

3. An intermunicipal agency.

4. A state agency.

5. A tribal government.

6. A nonprofit organization which provides assistance to:

(a) Owners and operators of small and medium publicly owned treatment works; or

(b) Eligible persons for:

(1) The repair, replacement or removal of a decentralized wastewater treatment system for a household; or

(2) The removal of a decentralized wastewater treatment system for a household and connection into a publicly owned sanitary sewer.

7. An entity or organization, whether publicly or privately owned, for the implementation and development of:

(a) A nonpoint source management project;

(b) A project to manage, reduce, treat or recapture storm water or subsurface drainage water;

(c) A watershed project;

(d) The construction, repair, replacement or removal of a decentralized wastewater treatment system;

(e) The removal of a decentralized wastewater treatment system and connection into a publicly owned sanitary sewer; or

(f) A project for reusing or recycling wastewater, storm water or subsurface drainage water.

Sec. 7. *1. Except as otherwise provided in NAC 445A.7675 and subsection 4 of section 8 of this regulation, an applicant or eligible recipient of financial assistance who has reason to believe that an action taken by an employee of the Division pursuant to NAC 445A.685 to 445A.805, inclusive, and sections 2 to 11, inclusive, of this regulation is incorrect or based on inadequate knowledge may, not later than 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee. The informal discussion must be scheduled for a date, place and time mutually agreed upon by the applicant or eligible recipient and the Division, except that the informal discussion must be held not later than 30 days after the date on which the Division received the request.*

2. If the informal discussion does not resolve the problem, the applicant or eligible recipient may, not later than 10 business days after the date scheduled for the informal discussion, submit a written request to the Division for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the applicant or eligible recipient and the Division, except that the informal conference must be held not later than 60 days after the date on which the Division received the written request.

3. If the informal conference does not resolve the problem, the applicant or eligible recipient may, not later than 10 business days after the date scheduled for the informal

conference, submit a written request to the Administrator of the Division for a determination. The Administrator shall issue a determination not later than 30 days after the date on which the Administrator received the written request for a determination.

4. If the determination of the Administrator does not resolve the problem, the applicant or eligible recipient may, not later than 10 business days after the date the Administrator issues the determination, submit a written request to the Director of the Department for a review of the determination of the Administrator. The Director shall issue a determination not later than 30 days after the date on which the Director received the written request for a review. An applicant or eligible recipient may not appeal the determination of the Director. Such a determination is the final remedy available to the applicant or eligible recipient.

Sec. 8. *1. The Division will at any time without solicitation accept proposals to receive financial assistance from the Account for pollution control projects other than projects for the construction of treatment works in the form of preapplications. A proposal in the form of a preapplication for a pollution control project pursuant to this section must be submitted to the Division:*

(a) Electronically, through the Nevada Infrastructure Financial System at the Internet address https://ndepifs.ndep.nv.gov/; or

(b) By any other means authorized by the Division.

2. Upon receipt of a preapplication for a proposed pollution control project submitted pursuant to subsection 1, the Division shall consider:

(a) Whether the management of water quality by the pollution control project is consistent with the goals and requirements of the Clean Water Act;

(b) The severity of any problem relating to public health or water quality which may be corrected by the pollution control project;

(c) The total amount of money available in the Account; and

(d) Any other factors as determined by the Division and outlined in the intended use plan pursuant to NAC 445A.764.

3. If the Division determines that the pollution control project is eligible for financial assistance, the Division shall notify the applicant who submitted the preapplication and provide notice of its determination to all applicants for a project for the construction of treatment works on the priority list established pursuant to NAC 445A.765 to 445A.768, inclusive, that the pollution control project which was determined to be eligible for financial assistance will bypass all such projects for the construction of treatment works. An applicant who receives notice pursuant to this subsection that the Division has determined to bypass a project for the construction of treatment works of that applicant may respond by filing an objection with the Division not later than 30 days after the date of the notice.

4. If the Division is unable to resolve an objection filed by an applicant whose project is bypassed pursuant to subsection 3, the Division must forward the objection to the Administrator for a decision pursuant to the provisions of NAC 445A.730.

5. After the 30-day period provided by subsection 3, an applicant whose project is bypassed pursuant to subsection 3 may submit a letter of intent pursuant to section 9 of this regulation.

Sec. 9. *1. Applicants for financial assistance for a pollution control project who are ready to receive the financial assistance and who have been notified that the pollution control*

project is eligible for financial assistance pursuant to section 8 of this regulation or have been notified that the pollution control project is on the priority list pursuant to NAC 445A.7655 must submit a letter of intent to the Division:

(a) Electronically, through the Nevada Infrastructure Financial System at the Internet address https://ndepifs.ndep.nv.gov/; or

(b) By any other means authorized by the Division.

2. A letter of intent submitted pursuant to subsection 1 must include, without limitation:

(a) The name, mailing address, electronic mail address and telephone number of each applicant;

(b) The title or name, location and a brief description of the pollution control project, including, without limitation, maps or preliminary plans;

(c) The number of residential service connections with population served and the number of nonresidential service connections with population served;

(d) A preliminary estimate of the cost of the pollution control project and any additional costs necessary for financing the project;

(e) Preliminary environmental information in a format provided by the Division;

(f) A description of any future improvements planned by the applicants, if any, that are not part of any capital improvement for which the application is made;

(g) A brief description of how the pollution control project would bring the system into compliance with the requirements of the Clean Water Act;

(h) The anticipated schedule for filing an application and constructing the pollution control project; and

(i) Any additional information required by the Division.

3. A letter of intent to proceed with the pollution control project submitted to the Division pursuant to this section serves as a request to initiate the process of environmental review pursuant to NAC 445A.742 to 445A.762, inclusive.

Sec. 10. *1. Before commencing the construction of a project, an eligible recipient shall submit to the Division:*

(a) Bidding schedules, estimated schedules of payment and any other information the Division deems necessary to determine the progress of the project;

(b) Proof of the receipt of all permits required to construct the project;

(c) Documentation that any procedures for purchasing and contracting required by a state agency or the Federal Government will be followed;

(d) Agendas for any conferences regarding the project held by the eligible recipient before the commencement of bidding and construction;

(e) Schedules for the design of the project, engineering, the procurement of materials, construction and any other activity related to the project; and

(f) Any other documents that the Division deems necessary.

2. The eligible recipient shall, not later than 5 days before holding any conference described in paragraph (d) of subsection 1, notify the Division of the date, time and location of the conference.

3. The eligible recipient shall not commence the construction of the project until the eligible recipient receives from the Division a notice to proceed with the project. The Division may issue such a notice only after:

(a) The eligible recipient has complied with the provisions of subsection 1 to the satisfaction of the Division; and

(b) The Division has examined and approved the final plans and specifications for the project that are submitted pursuant to NAC 445A.770.

Sec. 11. *1. If a project for a system, regardless of ownership, is designated an equivalency project for the purposes of federal requirements, all contracts for architectural or engineering services must be negotiated in the same manner as a contract for architectural and engineering services pursuant to 40 U.S.C. Chapter 11.*

2. For publicly owned projects:

(a) The eligible recipient shall comply with any applicable provisions of chapter 338 of NRS, chapter 338 of NAC and all applicable federal laws and regulations regarding the award and administration of contracts for water projects;

(b) The eligible recipient shall ensure compliance with all legal requirements for advertising for bids and awarding construction contracts; and

(c) The Division may review the awards to ensure that the eligible recipient and its consultants and contractors have complied with any applicable federal and state laws.

3. For privately owned projects, the eligible recipient shall demonstrate to the Division that the eligible recipient conducted a process of awarding and administration of contracts that is substantively similar to the requirements set forth in chapter 338 of NRS and chapter 338 of NAC.

4. The eligible recipient is solely responsible for the resolution of any disputes relating to bidding. The Division shall not participate in the resolution of such a dispute.

Sec. 12. NAC 445A.685 is hereby amended to read as follows:

445A.685 As used in NAC 445A.685 to 445A.805, inclusive, ***and sections 2 to 11, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC ~~[445A.686]~~ ***445A.687*** to 445A.727, inclusive, ***and sections 2 to 5, inclusive, of this regulation*** have the meanings ascribed to them in those sections.

Sec. 13. NAC 445A.688 is hereby amended to read as follows:

445A.688 1. "Best practicable waste treatment technology" means the cost-effective technology that can treat wastewater, combined sewer overflows and nonexcessive infiltration and inflow, to meet the enforceable requirements of the ***Clean Water*** Act, the requirements of a discharge permit issued by the Division or to protect the public health.

2. As used in this section:

(a) "Nonexcessive infiltration" means the quantity of infiltration that cannot be economically and effectively eliminated from a sewer system, as determined by a cost-effect analysis.

(b) "Nonexcessive inflow" means a rate of inflow that does not cause chronic operational problems, such as surcharging, backups, bypasses or overflows, related to hydraulic overloading of treatment works.

Sec. 14. NAC 445A.699 is hereby amended to read as follows:

445A.699 1. Except as otherwise provided in this section, "enforceable requirements of the ***Clean Water*** Act" means any condition or limitation of a permit issued pursuant to 33 U.S.C. § 1342 or 33 U.S.C. § 1344, the violation of which may result in the issuance of an order for compliance or the commencement of a civil or criminal action pursuant to 33 U.S.C. § 1319 or any other applicable law.

2. If no permit of the kind described in subsection 1 has been issued, the term means any requirement which, in the judgment of the Division, is to be included in the permit when it is issued.

3. If there is no requirement for a permit, the term means any requirement that the Division determines is necessary for the best practicable waste treatment technology to meet applicable criteria.

Sec. 15. NAC 445A.700 is hereby amended to read as follows:

445A.700 "Environmental assessment" means a concise document that:

1. Provides sufficient evidence and analysis to determine whether an environmental impact statement or a finding of no significant impact is appropriate;

2. Aids compliance by an agency with the ***Clean Water*** Act if no environmental impact statement is necessary; and

3. Facilitates preparation of an environmental impact statement if one is necessary.

Sec. 16. NAC 445A.703 is hereby amended to read as follows:

445A.703 "Facility plan" means any necessary plan or study that:

1. Investigates the need for any proposed facility; and

2. Relates directly to treatment works needed to comply with enforceable requirements of the ***Clean Water*** Act or to any other project eligible to receive financial assistance from the ~~[fund.]~~ ***Account.***

Sec. 17. NAC 445A.715 is hereby amended to read as follows:

445A.715 "Operation and maintenance" means those activities required to ensure the dependable and economical functioning of treatment works ~~[.]~~ ***and pollution control projects.***

Sec. 18. NAC 445A.716 is hereby amended to read as follows:

445A.716 ~~[1.]~~ "Person" means the United States, to the extent authorized by federal law, ~~[any interstate agency, the State]~~ or any ~~[agency or institution thereof, or any municipality or other political subdivision of the State.~~

~~2. As used in this section, "interstate agency" means an agency of two or more states:~~

~~(a) Established by or pursuant to an agreement or compact approved by the Congress of the United States; or~~

~~(b) Having substantial powers or duties pertaining to the control of water pollution.]~~ ***eligible recipient.***

Sec. 19. NAC 445A.719 is hereby amended to read as follows:

445A.719 "Priority list" means the ordered listing, prepared annually, of projects for which the ~~[Department]~~ ***Division*** expects to provide financial assistance from the ~~[fund.]~~ ***Account.***

Sec. 20. NAC 445A.720 is hereby amended to read as follows:

445A.720 "Project" means the activities or tasks identified in an agreement for financial assistance for which the ***eligible*** recipient may expend, obligate or commit money.

Sec. 21. NAC 445A.728 is hereby amended to read as follows:

445A.728 1. The primary purpose of the ~~[fund]~~ ***Account*** is to provide financial assistance as described in this section, other than grants, to ~~[municipalities]~~ ***eligible recipients*** for the construction of ~~[publicly owned wastewater]~~ treatment works and ~~[for]~~ the implementation of ~~[programs for the management of nonpoint sources of water]~~ pollution ~~[.]~~ ***control projects.***

2. The ~~[fund]~~ ***Account*** may be used to:

(a) Provide a loan at or below the market rate of interest ~~[;]~~ ***, including interest-free loans and principal forgiveness loans, at terms not to exceed the lesser of 30 years or the projected useful life of the treatment works or pollution control projects, as applicable;***

(b) Guarantee ***, or purchase insurance for,*** a municipal obligation ~~[or purchase insurance for such an obligation if required]~~ ***, including, without limitation,*** to improve access to credit or reduce the rate of interest paid by the municipality; ~~[or]~~

(c) ~~[Refinance]~~ ***Buy or refinance*** a ~~[municipal]~~ ***debt*** obligation ~~[for an eligible wastewater facility]~~ ***of a municipality or intermunicipal agency, or an interstate agency of which this State is a member*** at or below market rates if the debt is incurred ~~[and construction begins]~~ after March 7, 1985. A municipality that requests refinancing must comply with all the requirements of NAC 445A.685 to 445A.805, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this regulation; or***

(d) Provide a loan guarantee for a similar revolving fund established by a municipality or intermunicipal agency.

Sec. 22. NAC 445A.730 is hereby amended to read as follows:

445A.730 ~~[Any]~~ ***Except as otherwise provided in section 7 of this regulation, any*** dispute concerning the administration of the provisions of NAC 445A.685 to 445A.805, inclusive, ***and sections 2 to 11, inclusive, of this regulation*** that is not otherwise resolved must be referred to the Administrator for decision. The decision of the Administrator is subject to review by the Director. As used in this section, Administrator means the Administrator of the Division.

Sec. 23. NAC 445A.737 is hereby amended to read as follows:

445A.737 ***1.*** A facility plan for a proposed wastewater treatment works or pollution control project must demonstrate, through a systematic evaluation of alternatives that are feasible in light of the unique demographic, topographic, hydrologic and institutional characteristics of the area, that the alternative selected is the most economical means of meeting the applicable effluent, water quality and public health requirements over the design life of the facility.

2. A facility plan must include, without limitation:

(a) A description of the proposed treatment works or pollution control project, including any relevant waste treatment systems, area and waters affected by the proposed treatment works or pollution control project;

(b) A description of the best practicable technology and best management practices for the proposed treatment works or pollution control project;

(c) A cost-effect analysis of the technically feasible conventional, innovative and alternative management practices, processes and techniques capable of meeting the applicable requirements of the Clean Water Act over the useful life of the treatment works or pollution control project;

(d) An evaluation of the selected alternative with appropriate detail of the relevant design parameters, cost effects on users of the wastewater system, institutional and management structures required for successful implementation of the treatment works or pollution control project and implications of the treatment works or pollution control project on the public or private water supply;

(e) An environmental information document that includes adequate evaluation of all significant environmental effects of the proposed treatment works or pollution control project;

(f) Adequate information on all historical and culturally significant properties inside and adjacent to the proposed treatment works or pollution control project;

(g) A detailed list of public participation in the development and approval process of the chosen treatment works or pollution control project; and

(h) Any other information or documentation required by the Division.

3. For the purposes of this section, a preliminary engineering report and environmental review may, at the discretion of the Division, satisfy the requirements of a facility plan.

Sec. 24. NAC 445A.742 is hereby amended to read as follows:

445A.742 The process of environmental review of a proposed project ***set forth in NAC 445A.742 to 445A.762, inclusive,*** includes the following steps:

1. An applicant for financial assistance shall consult with the Division during the formulation of the project or the preparation of the facility plan to:

(a) Determine whether the project is eligible for a categorical exclusion from any applicable provisions of NAC 445A.685 to 445A.805, inclusive ~~[,]~~ ***, and sections 2 to 11, inclusive, of this regulation;***

(b) Determine alternatives to the project which must be evaluated;

(c) Identify potential environmental issues; and

(d) Determine the potential need for partitioning the environmental review process or the need for an environmental impact statement.

2. The Division shall determine if the project is eligible for a categorical exclusion. If the project is determined to be ineligible for such an exclusion, the applicant shall prepare an

environmental information document for the project. The document must be included in the facility plan.

3. The ~~[Division]~~ ***applicant*** shall prepare an environmental assessment **.** ~~[and subsequently]~~

4. The Division shall prepare and issue a finding of no significant impact or a notice of intent ~~[to prepare]~~ ***for the preparation of*** an environmental impact statement and record of decision.

Sec. 25. NAC 445A.743 is hereby amended to read as follows:

445A.743 1. The Division shall initiate the process of environmental review ***set forth in NAC 445A.742 to 445A.762, inclusive,*** at the earliest practicable date to identify environmental impacts, avoid delays and resolve conflicts. This process must be integrated with the preparation of the facility plan.

2. A review of environmental information developed by the applicant must be conducted by the Division whenever meetings are held to assess progress in the development of the facility plan. These meetings must be held before a preferred alternative is selected.

3. A decision whether to ~~[prepare]~~ ***require the preparation of*** an environmental impact statement must be made as early as practicable during the preparation of the facility plan. The Division shall inform interested parties of:

(a) The preliminary nature of the Division's position on ~~[preparing]~~ ***the preparation of*** an environmental impact statement;

(b) The relationship between the preparation of the facility plan and the process of environmental review;

(c) The extent of the public participation program; and

(d) The name of a person who may be contacted for further information.

Sec. 26. NAC 445A.744 is hereby amended to read as follows:

445A.744 1. The Division shall determine whether an action is eligible for exclusion from review pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.

2. The Division may grant a categorical exclusion to:

(a) Any action for which the facility plan is directed to the rehabilitation of existing facilities, replacement of equipment or the construction of a new ancillary facility adjacent or appurtenant to an existing facility and not affecting the degree of treatment or capacity of that facility. These actions include, without limitation:

(1) Infiltration and inflow corrections;

(2) Replacement of existing mechanical equipment or structures; and

(3) Construction of small structures on existing sites.

(b) Any action in a sewered community which is for minor upgrading or minor expansion of existing treatment works.

(c) Any action in an unsewered community where on-site technologies are proposed.

(d) Any action for a treatment works for which there is sufficient evidence that a significant effect on the quality of the environment is unlikely.

3. The Division shall refuse a categorical exclusion if:

(a) The facilities to be provided create a new discharge or relocate an existing discharge to surface or groundwaters.

(b) The facilities result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters.

(c) The action is known or expected to have a significant effect on the quality of the human environment, whether individually, cumulatively over time or in conjunction with other federal, state, local or private actions.

(d) The action is known or expected to affect directly or indirectly cultural resources, habitats of endangered or threatened species, environmentally important natural resource areas such as floodplains, wetlands, important farmlands, aquifer recharge zones or other resource areas.

(e) The action is known or expected not to be cost-effective or to cause significant public controversy.

~~[4. The Division may request the Commission to exclude, by amendment to this section, any other category of projects for which there is sufficient evidence that a significant effect on the quality of the environment is unlikely.]~~

Sec. 27. NAC 445A.746 is hereby amended to read as follows:

445A.746 ~~[Thirty]~~

1. Fifteen days must be allowed for review of any categorical exclusion. If no significant comment is received during that period, the process of environmental review ***set forth in NAC 445A.742 to 445A.762, inclusive,*** will be considered complete. If any ~~[such]~~ ***significant*** comment is received during that period, it must be resolved before the process of environmental review is completed.

2. For the purposes of this section, the determination of whether a comment is significant is solely within the discretion of the Division.

Sec. 28. NAC 445A.747 is hereby amended to read as follows:

445A.747 Financial assistance from the ~~[fund]~~ ***Account*** may be committed upon the completion of the environmental review process unless the Division determines that the nature of the project or environmental conditions have changed significantly from those which were considered in the categorical exclusion.

Sec. 29. NAC 445A.748 is hereby amended to read as follows:

445A.748 1. The Division shall review the ***letter of intent and*** completed facility plan with particular attention to the environmental information document and its use in the development of alternatives and the selection of a preferred alternative. An adequate environmental information document must be part of any facility plan submitted. The environmental information document must be of sufficient scope to enable the Division to approve or deny any request to partition the environmental review process ***.*** ~~[and to prepare an environmental assessment.]~~

2. The process of environmental assessment must cover all potentially significant environmental impacts. The ~~[Division]~~ ***applicant*** shall prepare ~~[a preliminary]~~ ***an*** environmental assessment in sufficient detail to serve as an adequate basis for an independent environmental review and for the ~~[decision]~~ ***Division to decide*** to prepare and issue a finding of no significant impact ***pursuant to NAC 445A.751*** or ***require the preparation of*** an environmental impact statement ~~[.]~~ ***pursuant to NAC 445A.754.*** The Division may require the submission of supplementary information before approving any facility plan. Each of the following areas must be reviewed to identify potentially significant environmental concerns and all potential impacts must be addressed in the environmental assessment:

(a) For the area delineated in the facility plan, the existing environmental conditions relevant to the analysis of alternatives or to determining the environmental impacts of the proposed action.

(b) The relevant future environmental conditions without the project.

(c) The purpose of and need for the facility. This must include a summary discussion and demonstration of the need for wastewater treatment in the area encompassed by the facility plan, with particular emphasis on existing public health or water quality problems and their severity and extent.

(d) A comparative analysis of feasible alternatives, including the no action alternative. The alternatives must be reviewed with respect to:

(1) Capital and operating costs;

(2) Direct, indirect and cumulative environmental effects;

(3) Physical, legal or institutional constraints; and

(4) Compliance with regulatory requirements.

➥ Special attention must be given to the environmental consequences of long-term, irreversible and induced environmental impacts. The reasons for rejecting any alternative must be presented in addition to any significant environmental benefits precluded by rejection of an alternative.

(e) A full range of relevant environmental impacts of the proposed action must be discussed, including measures to mitigate adverse impacts and any irreversible or irretrievable commitments of resources to the project. Any specific requirements, including conditions of financial assistance and the requirements of an areawide waste treatment management plan or nonpoint source management program, must be identified and referenced. In addition to these

items, the Division may require that other analyses and data which are needed to satisfy environmental review requirements be included with the facility plan.

3. The Division shall not accept a facility plan ***or an environmental information document*** if the applicant has not made or agreed to make changes in the project in accordance with determinations made in a finding of no significant impact based on ~~[its supporting]~~ ***the*** environmental assessment ***prepared by the applicant*** or the record of decision for an environmental impact statement.

4. Sources of information used to describe the existing environment and to assess future environmental impacts must be clearly referenced. These sources must include regional, state and federal agencies with responsibility or interest in the area and actions described in the facility plan.

Sec. 30. NAC 445A.749 is hereby amended to read as follows:

445A.749 1. The Division shall apply the criteria for initiating environmental impact statements to:

(a) A complete facility plan;

(b) The environmental information document;

(c) The ~~[preliminary]~~ environmental assessment; and

(d) Any other written material deemed necessary by the Division as necessary to make an environmental impact statement determination.

2. If the Division determines that an environmental impact statement is to be prepared, a formal environmental assessment is not required. If the Division identifies deficiencies in the environmental information document, ~~[preliminary]~~ environmental assessment or other

supporting material, necessary corrections must be made to this material. Any determination to issue a finding of no significant impact or to prepare an environmental impact statement is a final action by the Division and is not subject to administrative review.

Sec. 31. NAC 445A.751 is hereby amended to read as follows:

445A.751 1. If, after completion of the Division's review of the facility plan ~~[,]~~ ***and the environmental assessment,*** it is determined that an environmental impact statement will not be required, the Division shall issue a finding of no significant impact. This finding must be based upon the Division's independent review of the ~~[preliminary]~~ environmental assessment and any other environmental information deemed necessary. Following the review by the Division, ***the applicant shall finalize*** the environmental assessment ~~[must be finalized]~~ and ~~[made]~~ ***make the environmental assessment*** available for review by the public. The finding of no significant impact must list mitigation measures necessary to make the recommended alternative environmentally acceptable and must note any other environmental documents related to it.

2. Unless otherwise required by federal law, notice of a finding of no significant impact for review must be published on an Internet website designed to give general public notice.

3. Copies of a finding of no significant impact must be mailed directly to persons included on a mailing list maintained by the Division. The mailing list must include appropriate federal and state agencies, municipalities and interested members of the public. An additional copy of the finding must be submitted to the state clearinghouse for review.

Sec. 32. NAC 445A.753 is hereby amended to read as follows:

445A.753 1. After an environmental assessment has been prepared and the issued finding of no significant impact becomes effective for the facility plan for the study area, a commitment

of financial assistance may be made without preparation of an additional finding of no significant impacts, unless the Division determines that the project or environmental conditions have changed significantly from those which underwent environmental review.

2. The Division shall ensure itself that mitigation measures identified in the facility plan or in the finding of no significant impact will be implemented by the applicant. This must be done by conditioning the agreement for financial assistance and discharge permit upon compliance with all agreed-upon mitigation measures.

3. In any case in which an environmental assessment or categorical exclusion is 5 or more years old, the Division shall reevaluate the project, environmental conditions and public views and, before awarding financial assistance:

(a) Issue a public notice reaffirming its decision to proceed with the project without ~~[revising]~~ ***requiring the applicant to revise*** the environmental assessment;

(b) ~~[Update]~~ ***Require the applicant to update the*** information ***in the environmental assessment*** and prepare, issue and distribute a revised environmental assessment ~~[and]~~ ***in sufficient detail to serve as an adequate basis for an independent environmental review and for the Division to prepare and issue a*** finding of no significant impact; or

(c) Withdraw the finding of no significant impact and publish a notice of intent to produce an environmental impact statement. The Division shall thereafter ***:***

(1) Prepare, issue and distribute a record of decision; and

(2) Require the applicant to prepare, issue and distribute an environmental impact statement ***.*** ~~[and record of decision.]~~

Sec. 33. NAC 445A.754 is hereby amended to read as follows:

445A.754 The Division shall ensure that an environmental impact statement is prepared and issued ***pursuant to NAC 445A.755*** whenever the Division determines ~~[, without limitation,]~~ that ~~[an action is]~~ ***the project proposed by the applicant:***

1. Is not eligible for a categorical exclusion or a finding of no significant impact; and

2. Is known or expected:

~~[1.]~~ ***(a)*** To have a significant effect on the quality of the human environment, ~~[either]~~ individually, cumulatively over time or in conjunction with other federal, state, local or private actions; ***or***

~~[2.]~~ ***(b)*** To affect ***,*** directly or indirectly ***, any*** recognized ~~[cultural]~~ ***:***

(1) Cultural resources ~~[, habitats]~~ ***;***

(2) Habitats of endangered or threatened species ~~[, environmentally important]~~ ***; or***

(3) Environmentally significant natural resource areas ~~[such as floodplains, wetlands, important farmlands, aquifer]~~ ***, including, without limitation:***

(I) Floodplains;

(II) Wetlands;

(III) Agricultural land;

(IV) Aquifer recharge zones ~~[, scenic]~~ ***;***

(V) Scenic areas ***;*** or ~~[other]~~

(VI) Other resource areas ***.*** ~~[; or~~

~~3. Not to be cost-effective or to cause significant public controversy.]~~

Sec. 34. NAC 445A.755 is hereby amended to read as follows:

445A.755 1. If the Division determines that an environmental impact statement will be required, the Division shall prepare and distribute a notice of intent.

2. As soon as possible after the distribution of the notice of intent, the Division ***, in partnership with the applicant,*** shall convene a meeting of affected federal, state and local agencies, affected Indian tribes ~~[, the recipient]~~ and other interested parties to determine the scope of the environmental impact statement. As part of this meeting, the Division ***and applicant*** shall:

(a) Determine the significant issues to be analyzed in depth in the environmental impact statement;

(b) Identify the preliminary range of alternatives to be considered;

(c) Identify potential cooperating agencies and determine the information or analyses that may be needed from those agencies or other parties;

(d) Discuss the method for preparing the environmental impact statement and the strategy for securing public participation; and

(e) Determine the relationship between the environmental impact statement and the completion of the facility plan and any necessary coordination between the preparers of both documents.

3. Immediately following the meeting required by subsection 2, the ~~[Division]~~ ***applicant*** shall commence the identification and evaluation of all potentially viable alternatives to address adequately the range of issues identified at the meeting. Additional issues may be addressed or others eliminated during this process and the reasons for doing so may be documented as part of the environmental impact statement.

4. Except as otherwise provided in subsection 5, after the Division determines the need for an environmental impact statement, the Division shall ~~[~~:

~~(a) Cause~~] ***require*** the statement to be prepared by ~~[members of its staff; or~~

~~(b) Contract~~] ***the applicant. The applicant may contract*** for the preparation of the statement with a qualified consulting firm.

~~[➥ The applicant will be charged a fee to cover the costs incurred in preparing the environmental impact statement.]~~

5. If a federal agency is required to prepare an environmental impact statement, the Division and the applicant need not participate in the cost of the environmental impact statement, but shall cooperate in the preparation of the statement.

Sec. 35. NAC 445A.761 is hereby amended to read as follows:

445A.761 After the comment period, public hearings and consideration of comments received during the public participation process, ***the Division shall cause*** a final environmental impact statement ~~[must]~~ ***to*** be prepared. The final environmental impact statement must consist of:

1. The draft environmental impact statement;

2. Comments received concerning the draft environmental impact statement;

3. A list of persons commenting on the draft environmental impact statement;

4. The ~~[response]~~ ***responses*** of the Division ***and applicant*** to each significant comment received; and

5. Any other information deemed appropriate by the Division.

Sec. 36. NAC 445A.762 is hereby amended to read as follows:

445A.762 1. After a final environmental impact statement has been issued, the Division shall prepare and issue a record of decision in conjunction with its approval of the facility plan. The record of decision must include an identification of mitigation measures derived from the environmental impact statement process.

2. Before approving a facility plan, the Division shall ensure that any mitigation measures identified in the record of decision will be implemented by the applicant. An applicant shall implement mitigation measures agreed upon during the environmental review process. The Division shall condition the agreement for financial assistance and discharge permit upon compliance by the applicant with agreed-upon mitigation measures.

3. After the record of decision is prepared on the selected or preferred alternative for the facility plan described in the environmental impact statement and the facility plan is approved, a commitment of financial assistance may be made without preparation of supplemental environmental impact statements, unless the Division determines that the project or the environmental conditions described within the current environmental impact statement have changed significantly.

4. In any case in which the environmental impact statement is 5 or more years old, the Division shall reevaluate the project, environmental conditions and public views, compare them with the information contained in the environmental impact statement and, before awarding financial assistance:

(a) Prepare, issue and distribute a finding of no significant impact, affirming its decision to proceed with the project, and documenting that no additional significant impacts were identified

during the reevaluation which would require supplementing the environmental impact statement; or

(b) ~~[Conduct]~~ ***Require the applicant to conduct*** additional studies and prepare, issue and distribute a supplemental environmental impact statement and document ***and the Division shall issue and distribute the supplemental environmental impact statement and document*** to the original or any revised decision in an addendum to the record of decision.

Sec. 37. NAC 445A.764 is hereby amended to read as follows:

445A.764 1. An intended use plan must be prepared by the Division which describes how all money deposited into the ~~[fund]~~ ***Account*** will be used. The intended use plan must include a description of:

(a) The short- and long-term goals and objectives of the ~~[fund;]~~ ***Account.***

(b) The types of activities to receive financial assistance from the ~~[fund,]~~ ***Account,*** including eligible categories of costs, the types of financial assistance to be provided by the ~~[fund]~~ ***Account*** and the terms for the various types of financial assistance provided by the ~~[fund;]~~ ***Account.***

(c) The criteria and method used for the distribution of money from the ~~[fund; and]~~ ***Account.***

(d) The criteria and method used for selecting treatment works or pollution control projects to ~~[be funded as eligible activities for nonpoint sources.]~~ ***receive financial assistance.***

(e) The affordability criteria that is intended to provide principal forgiveness loans to eligible recipients. The Division shall establish the affordability criteria through the public participation process required by NAC 445A.7643.

(f) The process for the waiver of fees due to hardship pursuant to subsection 6 of NAC 445A.775.

2. An intended use plan must provide assurances and specific proposals regarding the manner by which the State intends to meet the requirements of the ***Clean Water*** Act.

3. ***In developing the intended use plan, the Division:***

(a) Shall establish the reserves required or authorized by the Clean Water Act, including, without limitation, an amount required to carry out water quality management planning in accordance with the provisions of 33 U.S.C. § 1384(b).

(b) May reserve:

(1) A portion of the State's grant awards pursuant to 33 U.S.C. § 1383(d)(7) to administer the Account and to conduct activities under the Clean Water Act.

(2) A portion of the State's grant awards pursuant to 33 U.S.C. § 1383(k) to provide technical assistance to rural, small and tribal publicly owned utilities that own and manage treatment works.

4. An intended use plan may be amended during the year pursuant to the provisions established in the intended use plan if the amended plan follows the public participation process as set forth in NAC 445A.7643.

Sec. 38. NAC 445A.765 is hereby amended to read as follows:

445A.765 1. The ~~[Department]~~ ***Division*** shall provide financial assistance from the ~~[fund]~~ ***Account*** to projects on a list of projects ***for the construction of treatment works*** developed by the Division in accordance with a priority system meeting the requirements of NAC 445A.767. The list and system must be designed to achieve the optimum management of water quality consistent with the goals and requirements of the ***Clean Water*** Act.

2. In establishing the priority of projects ~~[,]~~ ***for the construction of treatment works,*** the Division shall ~~[also]~~ ***:***

(a) At least annually, solicit from utilities that own and manage treatment works:

(1) Proposals in the form of preapplications for projects for the construction of treatment works; and

(2) Requests from each applicant whose project for the construction of treatment works is currently on the priority list to have that project included on the next priority list.

(b) In addition to satisfying the requirements for the design of the list and priority system set forth in subsection 1, consider the total amount of money available, the needs and priorities set forth in areawide water quality management plans and any other factors contained in the state priority system.

3. ***A proposal in the form of a preapplication for a project for the construction of treatment works or a request by an applicant to have a project included on the next priority list must be submitted to the Division:***

(a) Electronically, through the Nevada Infrastructure Financial System at the Internet address https://ndepifs.ndep.nv.gov/; or

(b) By any other means authorized by the Division.

4. If an applicant whose project for the construction of treatment works is currently on the priority list fails to submit a request to have that project included on the next priority list pursuant to subsections 2 and 3, the project is subject to exclusion from the next priority list.

5. The priority list must include an estimate of the eligible cost of each project.

Sec. 39. NAC 445A.7655 is hereby amended to read as follows:

445A.7655 1. After the priority list is finalized by the Division, the Division shall notify each applicant on the priority list of the ranking of projects ~~[.]~~ ***for the construction of treatment works.***

2. After receiving the notification ~~[letter]~~ pursuant to subsection 1 ~~[,]~~ ***and once the project is ready to receive financial assistance,*** each applicant shall file with the Division a letter of intent ~~[, indicating its intentions to either:~~

~~(a) Proceed with an application for financial assistance for proposed projects; or~~

~~(b) Defer action on an application until a later time.~~

~~3. Failure to respond within 30 days after reviewing the notification letter may result in the bypass of the applicant's project for that year pursuant to the procedure set forth in NAC 445A.7675.]~~ ***pursuant to section 9 of this regulation.***

Sec. 40. NAC 445A.767 is hereby amended to read as follows:

445A.767 1. A priority system must be used to rank projects ***for the construction of treatment works*** that are considered eligible for financial assistance from the ~~[fund.]~~ ***Account.***

2. The priority system must:

(a) Give highest priority to projects ***for the construction of treatment works*** that are necessary to meet the enforceable requirements of the ***Clean Water*** Act.

(b) Establish procedures for administration, management and public participation required to develop and revise the list of projects ~~[.]~~ ***for the construction of treatment works.***

(c) Include the following criteria for ranking projects ~~[:]~~ ***for the construction of treatment works:***

(1) The elimination of pollution from surface waters and groundwaters within this State.

(2) The protection of the health of the people of this State from harm caused by the inadequate or improper treatment, collection or disposal of wastewater.

(3) The attainment of standards of water quality adopted by the State Environmental Commission to protect designated beneficial uses.

(4) The operation of the ~~[fund]~~ ***Account*** in such a manner so as to impose the least possible financial burden on municipalities.

~~[(d) Include categories of need. A project must fall into at least one of the following categories to be eligible for financial assistance from the fund:~~

~~(1) Category ISecondary treatment or any cost-effective alternative thereto.~~

~~(2) Category II Advanced treatment (treatment more stringent than secondary treatment).~~

~~(3) Category IIIA Infiltration and inflow protection.~~

~~(4) Category IIIB Major sewer system rehabilitation.~~

~~(5) Category IVA New collection systems and appurtenances.~~

~~(6) Category IVB New interceptor sewers and appurtenances.~~

~~(7) Category V Correction of combined sewer overflows.~~

~~(8) Category VI Treatment of wastewaters from nonpoint sources.]~~

3. The Division shall place each project for the construction of treatment works into one of the following three classes and assign to each project the points as indicated and applicable:

(a) Class A -- Projects for the construction of treatment works which are intended to benefit public health or the environment, or both, including:

(1) Projects necessary to eliminate public health hazards in unsewered communities which are documented through a finding of violation or an official action by a public health authority -- 10 points.

(2) Projects necessary to correct existing documented violations of standards for surface water quality -- 8 points.

(3) Projects necessary to correct documented violations of limitations specified by permits for discharge -- 6 points.

(4) Projects necessary to eliminate or prevent interference with an existing beneficial use of groundwater where it has been determined that such an interference exists -- 4 points.

(5) Any other project that has demonstrated violations of compliance or is proactively addressing a public health or environmental impact that is outlined in the intended use plan -- 1 point.

(b) Class B -- Projects for the construction of treatment works which are necessary to increase reliability or sustainability, including:

(1) Projects necessary to provide a degree of treatment beyond standards for water quality or requirements for permits -- 10 points.

(2) Interceptors in sewered communities, pumping stations, correction of infiltration inflow, correction of combined sewer overflows, rehabilitation of sewer systems or distribution of reclaimed water -- 8 points.

(3) Facility flow or loading as the percentage of design capacity exceeds 85 percent -- 6 points.

(4) Facility flow or loading as the percentage of design capacity exceeds 75 percent but does not exceed 85 percent -- 4 points.

(5) Any other project that addresses reliability or sustainability that is outlined in the intended use plan -- 1 point.

(c) Class C -- Other projects for the construction of treatment works, including:

(1) Projects providing wastewater treatment and collection systems in existing unsewered communities with no public health hazards or violations of water standards -- 10 points.

(2) Projects providing wastewater collection systems to unsewered portions of sewered communities -- 10 points.

(3) All other projects for the construction of treatment works -- 5 points.

4. Regardless of the class in which a project for the construction of treatment works is placed and in addition to the criteria applicable to the project pursuant to paragraph (c) of subsection 2, the Division shall assign additional points to the project as indicated for each of the following criteria:

(a) Five points for any utility that owns and manages a treatment works which has mapped its facilities and analyzed:

(1) The risks of failure in its system;

(2) The expected dates for renewing and replacing its facilities and equipment; and

(3) The sources and amounts of money needed to finance the operation, maintenance and capital expenditures of its system.

(b) Five points for any utility that owns and manages a treatment works which has developed a rate structure that is appropriate to build, operate and maintain its system.

(c) Five points for any utility that owns and manages a treatment works which has specifically allocated money for the rehabilitation and replacement of aging or deteriorating facilities and equipment.

5. The Division shall rank projects for the construction of treatment works first according to which class the project is in, with Class A projects having the highest priority and Class C projects having the lowest priority, and then within each class according to the point total each project has been assigned pursuant to the ranking system set forth in subsections 3 and 4.

6. The Division shall not move a project for the construction of treatment works from one class to another based on the ranking the project receives from the total points within each class.

7. If the Division determines that the project for the construction of treatment works will serve an area that meets affordability criteria as outlined in the intended use plan, the Division shall assign an additional 25 points to the total score of that project.

8. If two or more projects for the construction of treatment works within the same class have the same final rank number, the project that is associated with the service area with the highest population shall be deemed to be ranked higher within the class.

Sec. 41. NAC 445A.7675 is hereby amended to read as follows:

445A.7675 1. The Division may bypass a project on the priority list if the Division determines that the project is not ready to proceed or the applicant for the project:

(a) Withdraws the project; or

(b) Requests action to be deferred **.** ~~[as allowed pursuant to NAC 445A.7655.]~~

2. If the Division determines that the project is not ready to proceed, the Division shall provide notice of its determination to the applicant. After receiving notice, the applicant must respond to the Division within 30 days.

3. If the applicant files an objection in the response provided for in subsection 2 that the Division is unable to resolve, the Division shall forward the objection to the Administrator of the Division for decision pursuant to the provisions of NAC 445A.730.

Sec. 42. NAC 445A.769 is hereby amended to read as follows:

445A.769 1. To obtain ***the initial*** approval of financial assistance ~~[,]~~ ***from the Division,*** an applicant must submit a ***complete*** letter of intent ~~[,]~~ ***and all supporting documentation, including, without limitation,*** a facility plan ~~[,]~~ ***and*** an environmental document ~~[and a draft revenue program. After these documents are approved,]~~ ***for the review and approval of*** the Division **.** ~~[shall consider the project for initial approval of financial assistance.]~~

2. ~~[Factors to be considered]~~ ***The Division shall consider the following factors*** in awarding ***initial*** approval ~~[include:]~~ ***pursuant to subsection 1:***

(a) Placement on the priority list ~~[;]~~ ***of projects for the construction of treatment works established pursuant to NAC 445A.767 or factors considered by the Division pursuant to subsection 2 of section 8 of this regulation;***

(b) The readiness of the project to proceed with construction; and

(c) The severity of any public health or water quality problem which will be corrected by the proposed project.

3. Initial approval of financial assistance for a project shall be deemed a binding commitment to provide such assistance.

Sec. 43. NAC 445A.770 is hereby amended to read as follows:

445A.770 1. To obtain financial assistance from the ~~[fund,]~~ ***Account,*** the following documents must be submitted:

(a) An application for assistance in the form prescribed by the Division.

(b) Final plans and specifications and an estimate by an engineer of the costs of construction for the project.

(c) A preliminary project schedule which provides a timetable for advertising and for opening bids, hiring and training operators, submission of an operation and maintenance manual, adoption of a system of user charges and a sewer use ordinance, completion of construction and initiation of operation. As used in this paragraph, ***"*** initiation of operation ***"*** means the date specified by the ~~[recipient]~~ ***applicant*** on which use of the project begins for the purposes that it was planned, designed and built.

(d) An approval from the governing body or board, as applicable, of the applicant that indicates:

(1) The need for the project;

(2) The request to obtain a loan from the Account; and

(3) The persons who are authorized to represent the applicant for the project.

2. An agreement for financial assistance must not be offered until the applicant:

(a) Receives initial approval of assistance; and

(b) Anticipates bid solicitation in the near future.

3. The agreement for financial assistance must be prepared and transmitted to the applicant for his or her signature no later than the time of the approval to award the construction contract.

4. A determination of project eligibility must be made during the preparation of the facility plan. After the initial approval of financial assistance, subsequent design reviews must be for the purpose of ensuring that the proposed design is conceptually the same as that approved by the Division.

Sec. 44. NAC 445A.771 is hereby amended to read as follows:

445A.771 1. An examination of the plans and specifications for a project must be performed to determine whether ~~[~~:

~~(a) The design is consistent with the facilities described in the facility plan;~~

~~(b) The proposed project, in concept, will meet discharge requirements; and~~

~~(c) The~~] ***the*** project will comply with applicable federal and state requirements.

2. An applicant shall submit the following documents for review:

(a) A design report.

(b) Except as otherwise provided in this paragraph, a set of specifications and plans not less than 90 percent complete. Depending upon the complexity of the project, a 50 percent submittal may be required.

(c) A final set of specifications and plans. These must be submitted before advertising for bids.

(d) Any addenda issued during the bidding process.

Sec. 45. NAC 445A.772 is hereby amended to read as follows:

445A.772 If a project will serve two or more ~~[municipalities,]~~ ***eligible recipients,*** the applicant shall submit the executed intermunicipal agreement, contract or other legally binding instrument necessary for the financing, building and operation of the proposed ~~[treatment works.]~~ ***project.*** This instrument must set forth the basis upon which costs are allocated, the formula by which costs are allocated and the manner in which the system of allocating costs will be administered.

Sec. 46. NAC 445A.773 is hereby amended to read as follows:

445A.773 1. A fixed amount of financial assistance may be provided to ~~[a]~~ ***an eligible*** recipient to help offset costs for planning, design and construction inspection, engineering and management. As used in this subsection, "engineering" means consultation, investigation, the preparation of reports or other services for a project within the scope of the practice of architecture or professional engineering as defined by the law of this State.

2. The ***eligible*** recipient may request payment of the entire fixed amount for planning and design as soon as the agreement for financial assistance is signed and money is available.

3. Financial assistance may also be provided for:

(a) The allowable costs of the construction contract;

(b) The allowable costs of land;

(c) A contingency fund; and

(d) The cost of preparing an environmental impact statement if one is required.

Sec. 47. NAC 445A.775 is hereby amended to read as follows:

445A.775 1. ~~[The Director may, with the approval of the Department of Administration,]~~ ***Except as otherwise provided in subsection 6, the Administrator shall*** impose and collect a ***loan***

origination fee and service fee for each award of financial assistance from the ~~[fund. The fee must not exceed 0.5 percent of:~~

~~(a) The amount of the loan, if assistance is given in the form of a loan.~~

~~(b) The amount of the obligation, if assistance is given in the form of a guarantee of a municipal obligation or the purchase of insurance for such an obligation.~~

~~(c) The amount refinanced, if assistance is given in the form of the refinancing of a municipal obligation.]~~ ***Account in accordance with the provisions of this section.***

2. ~~[Money so collected must be used to defray the cost of administering the fund.]~~ ***The Administrator shall charge an eligible recipient a loan origination fee of:***

(a) If the eligible recipient receives a principal forgiveness loan or a short-term loan, $1,000.

(b) If the eligible recipient receives a long-term loan, 0.5 percent of the total amount of the long-term loan.

3. A loan origination fee required pursuant to subsection 2 is due to the Administrator not later than 30 days after the closing of the loan.

4. Except as otherwise provided in subsection 6, in addition to a loan origination fee charged pursuant to subsection 2, the Administrator shall charge an eligible recipient:

(a) If the eligible recipient issues a bond, a service fee equal to 0.5 percent of the original loan amount.

(b) If the eligible recipient does not issue a bond, a service fee equal to 0.75 percent of the original loan amount.

5. Any service fee imposed pursuant to subsection 4 must be paid to the Administrator in equal installments over the life of the loan. Each installment is due to the Administrator not later than January 1 of each year.

6. The Administrator shall make available a waiver of the loan origination fee set forth in subsection 2, the service fee set forth in subsection 4, or both, if the eligible recipient can demonstrate to the Administrator that paying the fee or fees would cause hardship. In determining whether a hardship exists pursuant to the process developed by the Division pursuant to paragraph (f) of subsection 1 of NAC 445A.764, the Administrator shall consider the following factors:

(a) Whether user charges of the eligible recipient are sufficient and reasonable in order to operate, maintain and replace the current and future assets of the utility system of the eligible recipient;

(b) The frequency of increases in user charges imposed by the governing body or board, as applicable, of the eligible recipient over the 5 years immediately preceding the date of the application;

(c) The unrestricted cash maintained by the eligible recipient for the specific utility system;

(d) An analysis of the ratio of loan fees to the average cost of user charges; and

(e) Other sources of cash of the eligible recipient, including, without limitation:

(1) Subsidies from other utilities;

(2) Transfers from other sources;

(3) Grants;

(4) Proceeds from bonds;

(5) Earnings from interest; and

(6) Donations.

Sec. 48. NAC 445A.777 is hereby amended to read as follows:

445A.777 Before an agreement for financial assistance is transmitted to it for signature, ~~[~~a~~]~~ ***an eligible*** recipient must certify that it has complied and will comply with all requirements of federal law that are determined by the United States Environmental Protection Agency to apply to the operation of the ~~[~~fund.~~]~~ ***Account.***

Sec. 49. NAC 445A.779 is hereby amended to read as follows:

445A.779 1. The ~~[~~State Environmental~~]~~ Commission hereby adopts by reference ~~[~~the accounting standards contained in Standards for Audit of Governmental Organizations, Programs, Activities and Functions, published by the General Accounting Office. A copy of this publication is available at a cost of $3.50 by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800.~~]~~ ***:***

(a) The most current pronouncements issued by the Governmental Accounting Standards Board, unless a pronouncement is disapproved by the Commission within 60 days after the date the pronouncement is published. The Commission will review each pronouncement to ensure its suitability for this State. The pronouncements are available, free of charge, from the Governmental Accounting Standards Board at the Internet address https://www.gasb.org/standards-and-guidance/pronouncements.

(b) Except as otherwise provided by this paragraph, the pronouncements issued by the Financial Accounting Standards Board on or before November 30, 1989. If the

pronouncements issued by the Financial Accounting Standards Board on or before November 30, 1989, conflict with the most current pronouncements issued by the Governmental Accounting Standards Board adopted by reference pursuant to paragraph (a), the pronouncements issued by the Governmental Accounting Standards Board apply. The pronouncements issued by the Financial Accounting Standards Board are available, free of charge, from the Financial Accounting Standards Board at the Internet address https://www.fasb.org.

2. ~~[A]~~ ***An eligible*** recipient of financial assistance shall maintain separate project accounts in accordance with generally accepted governmental accounting standards, including those adopted by reference in subsection 1.

Sec. 50. NAC 445A.780 is hereby amended to read as follows:

445A.780 1. ~~[A]~~ ***An eligible*** recipient shall:

(a) Establish an official file for the project. The file must contain an adequate record of all significant actions relating to the project.

(b) Establish accounts that accurately and adequately show all amounts of money:

(1) Received as financial assistance from the ~~[fund.]~~ ***Account.***

(2) Received and spent on the project.

(3) Received as income from the project.

(c) Establish a system of accounting which ensures that the final total costs of the project, including all direct and indirect costs, are recorded accurately.

(d) Establish and maintain such other accounts and records as are required by the Division to comply with requirements for reporting established by the Federal Government.

(e) Retain all records relating to the project for at least 3 years after final repayment of financial assistance has been made or for any longer period required by the Division.

2. Any records of ~~[a]~~ ***an eligible*** recipient relating to a project must be made available at any reasonable time for inspection or copying by any authorized representative of the Division.

Sec. 51. NAC 445A.781 is hereby amended to read as follows:

445A.781 1. Whenever an audit is required by federal law or by an agency of the Federal Government, or whenever it determines that an audit is necessary to ensure the integrity of the ~~[fund,]~~ ***Account,*** the Division may require that an audit be performed of financial records relating to a project.

2. Any audit required pursuant to this section must be performed at the expense of the ***eligible*** recipient by a certified public accountant who is independent of the ***eligible*** recipient.

3. A report of the audit must be prepared by the auditor in the form prescribed by the Division.

Sec. 52. NAC 445A.783 is hereby amended to read as follows:

445A.783 If a project involves collection system work, that work:

1. Must be for the replacement or major rehabilitation of an existing collection system and must be necessary to the integrity and performance of the complete waste treatment system; or

2. Must be for a new cost-effective collection system in an existing community which has sufficient existing or planned capacity to adequately treat such collected wastewater. Collection systems which primarily serve undeveloped areas are not eligible for financial assistance. If assistance is awarded, the ***eligible*** recipient shall provide assurances that the existing population will connect to the collection system within a reasonable time after completion of the project.

Sec. 53. NAC 445A.788 is hereby amended to read as follows:

445A.788 A system of user charges must:

1. Be designed to produce the money required for costs of operation, maintenance ***,*** ~~[and]~~ replacement of ***capital assets and debt service of the utility that owns and manages the*** treatment works ***.*** ~~[;]~~

2. ~~[Provide]~~ ***If applicable, provide*** that each user who discharges pollutants which cause an increase in the cost of managing the effluent or sludge from the treatment works shall pay for the increased cost ***.*** ~~[;]~~

3. ~~[Provide]~~ ***If applicable, provide*** that each user or class of users shall pay its share of the cost of ~~[operation, maintenance]~~ ***:***

(a) Operation;

(b) Maintenance; and ~~[replacement]~~

(c) Replacement of ~~[treatment works]~~ ***capital assets and debt service*** within the service area of the applicant,

➥ based upon the proportionate contribution by the user or class to the total wastewater load ***.*** ~~[;]~~

4. ~~[Provide]~~ ***If applicable, provide*** that each user will be notified at least annually, in conjunction with a regular bill or other means acceptable to the Division, of that portion of the bill attributable to the costs of operation, maintenance ***,*** ~~[and]~~ replacement ~~[;]~~ and ***debt service.***

5. Include an adequate system of financial management that will account accurately for revenues generated by the ~~[system]~~ ***utility that owns and manages the treatment works*** and expenditures for operation, maintenance ***,*** ~~[and]~~ replacement ***of capital assets and debt service*** based on an adequate budget identifying the basis for determining the annual operation and

maintenance costs and the costs of personnel, ***equipment,*** material, ***supplies,*** energy ***,*** ~~[and]~~ administration ~~[.]~~ ***and replacement of facilities that have exceeded their useful life.***

Sec. 54. NAC 445A.789 is hereby amended to read as follows:

445A.789 ***1.*** One or more ~~[municipal legislative enactments]~~ ***ordinances or resolutions of the governing body or board, as applicable, of the eligible recipient*** must incorporate the system of user charges.

2. If a project accepts wastewater from other municipalities, the subscribers receiving waste treatment services from the ***eligible*** recipient shall adopt a system of user charges meeting the requirements of NAC 445A.788. This system must be incorporated in an appropriate legislative enactment by each municipality contributing wastes to the treatment works.

Sec. 55. NAC 445A.791 is hereby amended to read as follows:

445A.791 ~~[A]~~ ***An eligible*** recipient shall adopt ~~[its sewer use ordinance and implement its]~~ ***the*** system of user charges before the ~~[treatment works]~~ ***project*** is placed in operation. The ***eligible*** recipient shall implement the system of user charges ~~[and sewer use ordinance]~~ during the entire useful life of the ~~[treatment works.]~~ ***project.***

Sec. 56. NAC 445A.794 is hereby amended to read as follows:

445A.794 1. ~~[A]~~ ***An eligible*** recipient ~~[of financial assistance]~~ shall comply with the provisions of the Davis-Bacon Act, 40 U.S.C. §§ ~~[276a]~~ ***3141*** et seq., if ~~[they]~~ ***the provisions*** apply ~~[, and]~~ ***to the project. Publicly owned projects shall also comply with*** the provisions of NRS 338.010 to 338.090, inclusive.

2. The Division shall review the final contract documents to verify that the proper federal and state wage determinations have been included.

3. The ***eligible*** recipient is responsible for assuring compliance with all applicable labor laws.

Sec. 57. NAC 445A.795 is hereby amended to read as follows:

445A.795 1. An ~~[applicant for financial assistance]~~ ***eligible recipient*** shall comply with ~~[the requirements]~~ ***any applicable equivalency requirement*** of federal law concerning the participation of disadvantaged businesses.

2. ~~[Each]~~ ***An eligible*** recipient ~~[of financial assistance]~~ shall attempt to comply with the fair share percentages established annually for disadvantaged businesses by the Division and the United States Environmental Protection Agency. Any ***eligible*** recipient not meeting these goals shall submit evidence of compliance with the affirmative steps identified in NAC 445A.796.

3. An ~~[applicant for financial assistance]~~ ***eligible recipient*** shall submit with his or her request for approval of an award a report, in the form prescribed by the Division, of participation by disadvantaged businesses. If the low bidder on any construction contract does not meet the fair share requirements for disadvantaged businesses, the ~~[applicant]~~ ***eligible recipient*** shall submit to the Division evidence of compliance by the bidder with the affirmative steps identified in NAC 445A.796.

4. ~~[A]~~ ***An eligible*** recipient of financial assistance shall submit to the Division, in the form prescribed by the Division, a report of participation by disadvantaged businesses following any quarter during which any procurement ~~[of $10,000 or more]~~ ***equal to the value that is required by federal requirements*** is executed for the project. As used in this subsection, "quarter" means a quarter in the federal fiscal year.

Sec. 58. NAC 445A.796 is hereby amended to read as follows:

445A.796 If the contractor for a project awards any subcontracts relating to the project, he or she shall ***comply with any applicable equivalency requirement of federal law and*** take affirmative steps to ensure that disadvantaged businesses are used to the extent possible as sources of supplies, equipment, construction and services. These affirmative steps must include:

1. Including such businesses on solicitation lists.

2. Assuring that such businesses are solicited if they are potential sources.

3. Dividing total requirements, if economically feasible, into small tasks or quantities to permit maximum participation by disadvantaged businesses.

4. ***Establishing a schedule for the delivery of a requirement, if the requirement permits, to allow maximum participation by disadvantaged businesses.***

5. Using the ~~[services of Nevada Economic Development Company and the Nevada Office of Small Business to locate disadvantaged businesses capable of performing the work to be subcontracted.]~~ ***list of vendors certified through the federal Disadvantaged Business Enterprise Program, as maintained by the United States Department of Transportation, or an equivalent list of such vendors.***

6. Ensuring that all subcontractors for the project comply with the provisions of this section.

Sec. 59. NAC 445A.797 is hereby amended to read as follows:

445A.797 ~~[A]~~ ***An eligible*** recipient of financial assistance shall notify the Division promptly in writing of:

1. The award of the prime construction contract for the project.

2. The beginning of construction of the project, stating the date on which he or she anticipates construction will be completed.

3. Any substantial change in the scope of the project. No such change may be undertaken until it has been approved in writing by the Division.

4. The cessation of all major construction work on the project, in any case where the cessation of work is expected to or does continue for 30 days or more.

5. Any circumstance or condition that is expected to or does delay the completion of construction for 90 days or more after the anticipated date of completion reported pursuant to subsection 2.

6. The completion of construction of the project.

7. The beginning of the operation of the project.

Sec. 60. NAC 445A.798 is hereby amended to read as follows:

445A.798 During the construction of a project, ***regardless of ownership,*** the ***eligible*** recipient shall permit any authorized representative of the Division to enter onto the site of the project at any reasonable time.

Sec. 61. NAC 445A.799 is hereby amended to read as follows:

445A.799 1. The Division may conduct oversight inspections during the construction of a project ~~[. The primary purpose of any such inspection must be to ascertain that the recipient is constructing the project according to applicable contract requirements. The first inspection must normally be conducted at the time the project is 10 percent complete. Subsequent inspections must be conducted only if they are deemed necessary by the Division.]~~ ***as needed to satisfy federal and state requirements of the project.***

2. The Division shall conduct a final construction inspection of each project. The primary purpose of this inspection must be to ascertain that the project has been constructed according to the approved plans and specifications and to ensure that required mitigation measures have been implemented. At the time of the inspection, the completion date for the project must be established for the purpose of beginning the 1-year period for certification of the performance of the project.

Sec. 62. NAC 445A.801 is hereby amended to read as follows:

445A.801 Before a project is 90 percent completed, ~~[a]~~ ***an eligible*** recipient shall submit to the Division an operation and maintenance manual ***, if applicable,*** for the project. ~~[Not more than 90 percent of the total financial assistance for the project may be provided until the manual has been reviewed and approved by the Division.]~~

Sec. 63. NAC 445A.802 is hereby amended to read as follows:

445A.802 ~~[A]~~ ***An eligible*** recipient shall supply the Division with one set of as-built drawings of the project.

Sec. 64. NAC 445A.803 is hereby amended to read as follows:

445A.803 1. The Division shall establish, in consultation with each ***eligible*** recipient, the date that project operations are capable of being initiated for the purpose of establishing the procedure for certification of the performance of the project.

2. Before any certification of performance for a project is submitted, the Division shall conduct an inspection of the project to ensure that its facilities are operating and capable of meeting discharge standards.

3. After a project has been in operation for 1 year, the ***eligible*** recipient shall submit a certification that the project meets or fails to meet performance standards. The project must comply with all applicable design specifications and, except for a nondischarging project, all applicable effluent requirements. Any nondischarging project must, where appropriate, meet requirements for the elimination of overflows and the reduction of infiltration or inflow. At the request of ~~[a]~~ ***an eligible*** recipient, the Division shall assist in developing applicable performance standards.

4. If the project cannot be affirmatively certified, the ***eligible*** recipient shall prepare a report of corrective action which includes an analysis of the cause of the failure of the project to meet performance standards and an estimate of the nature, scope and cost of necessary corrective action. The Division shall conduct follow-up inspections as necessary to determine whether the project meets performance standards. The cost of any corrective action is not eligible for financial assistance.

5. As used in this section, "performance standards" means the criteria used to evaluate the compliance of a project with the requirements contained in design specifications and a discharge permit.

Sec. 65. NAC 445A.804 is hereby amended to read as follows:

445A.804 ~~[A]~~ ***An eligible*** recipient shall notify the Division of any claims against the owner, the engineer, the contractor or any subcontractor arising from or related to the project.

Sec. 66. NAC 445A.805 is hereby amended to read as follows:

445A.805 ~~[A]~~ ***An eligible*** recipient shall not abandon, substantially discontinue his or her use of, or dispose of a project during its useful life without the prior written approval of the Division.

Sec. 67. NAC 445A.686, 445A.705, 445A.712, 445A.718, 445A.721, 445A.733, 445A.734, 445A.735, 445A.736, 445A.738, 445A.766, 445A.778, 445A.784, 445A.792 and 445A.793 are hereby repealed.

TEXT OF REPEALED SECTIONS

445A.686 "Act" defined. (NRS 445A.135) "Act" means the Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended.

445A.705 "Fund" defined. (NRS 445A.135) "Fund" means the revolving fund created pursuant to the Act to provide loans and other forms of financial assistance for the construction of wastewater treatment works or pollution control projects.

445A.712 "Municipality" defined. (NRS 445A.135) "Municipality" means:

1. Any city, town, county, district, association or other public body created by or pursuant to the law of this State and having authority over the disposal of sewage, industrial wastes or other wastes; or

2. Any Indian tribe or authorized Indian tribal organization.

445A.718 "Pollution control project" defined. (NRS 445A.135) "Pollution control project" means any eligible component of a program for management established pursuant to 33 U.S.C. § 1329.

445A.721 "Recipient" defined. (NRS 445A.135) "Recipient" means an entity that receives financial assistance from the fund.

445A.733 Proposed wastewater treatment works: Contents of facility plan. (NRS 445A.135) A facility plan for a proposed wastewater treatment works must include:

1. A description of the proposed treatment works and the complete waste treatment system of which it is a part.

2. A description of the best practicable wastewater treatment technology.

3. A cost-effect analysis of the feasible conventional, innovative and alternative wastewater treatment works, processes and techniques capable of meeting the applicable effluent, water quality and public health requirements over the design life of the facility while recognizing environmental and other nonmonetary considerations.

4. A demonstration of the nonexistence or possible existence of excessive infiltration or inflow in the sewer system.

5. An analysis of any potential open-space and recreation opportunities associated with the project.

6. An environmental information document that includes an adequate evaluation of the environmental impacts of alternatives. This evaluation must discuss all significant environmental effects of the proposed project and the implications of the project with respect to:

(a) Threatened or endangered species;

(b) Wetlands;

(c) Farmland;

(d) Fish and wildlife;

(e) Cultural resources;

(f) Open spaces;

(g) Environmentally sensitive areas;

(h) Air quality;

(i) Water quality;

(j) Consistency with land use plans;

(k) Energy use;

(l) Long-term versus short-term trade-offs;

(m) Growth inducement;

(n) Floodplains; and

(o) Consistency with areawide planning, such as basin plans and plans prepared pursuant to section 208 of the Act, 33 U.S.C. § 1288.

7. An evaluation of the implications of the project for the public or private water supply.

8. For the selected alternative, a concise description at an appropriate level of detail of:

(a) Relevant design parameters.

(b) Cost effects on users of the wastewater system.

(c) Institutional and management arrangements required for successful implementation of the project.

(d) Estimated costs for capital construction, operating and maintenance costs and costs for debt service and a description of the manner in which local costs are to be financed, including a preliminary revenue program in the form prescribed by the Division.

(e) Estimated costs of future expansion and long-term needs for reconstruction of facilities following their design life.

9. A summary of public participation in the development of the facility plan.

445A.734 Proposed wastewater treatment works: Cost-effect analysis. (NRS 445A.135)

1. A cost-effect analysis prepared pursuant to NAC 445A.733 must include:

(a) A description of the relationship between the capacity of alternatives and the needs to be served, including capacity or future growth expected after the treatment works become operational. The description must include estimates from significant industrial and commercial users documenting the need for capacity and the characteristics of existing or projected flows.

(b) An evaluation of improved effluent quality attainable by upgrading the operation and maintenance and efficiency of existing facilities as an alternative or supplement to the construction of new facilities.

(c) An evaluation of the alternative methods for the reuse or ultimate disposal of treated wastewater and sludge resulting from the treatment process.

(d) An evaluation of systems with revenue-generating applications.

(e) An evaluation of opportunities to reduce the use of energy or to recover energy.

(f) Information concerning total capital costs and annual operation and maintenance costs, as well as estimated annual or monthly costs to residential, commercial and industrial users.

2. The planning period used in the analysis must be 20 years.

3. The monetary costs to be considered in the analysis must include the present worth or equivalent annual value of all capital costs and operation and maintenance costs.

4. The forecasts of population contained in the analysis must be consistent with those prepared by the Department of Taxation.

5. As used in this section, "industrial user" means any nongovernmental, nonresidential user of a publicly owned treatment works who is identified in the Standard Industrial Classification Manual, 1972 edition, of the Office of Management and Budget under one of the following divisions:

(a) Division B - Mining.

(b) Division D - Manufacturing.

➥ A copy of the Manual may be obtained by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, for the price of $24.

445A.735 Proposed pollution control projects: Contents of facility plan. (NRS 445A.135) A facility plan for a proposed pollution control project must include:

1. A description of the nonpoint sources of pollution and the areas and waters affected by them.

2. A description of the best management practices considered.

3. A cost-effect analysis of the feasible conventional, innovative and alternative management practices, processes and techniques capable of meeting the applicable effluent, water quality and public health requirements over the design life of the project while recognizing environmental and other nonmonetary considerations.

4. An environmental information document that includes an adequate evaluation of the environmental impacts of alternatives. This evaluation must discuss all significant environmental effects of the proposed project and the implications of the project with respect to:

(a) Threatened or endangered species;

(b) Wetlands;

(c) Farmland;

(d) Fish and wildlife;

(e) Cultural resources;

(f) Open spaces;

(g) Environmentally sensitive areas;

(h) Air quality;

(i) Water quality;

(j) Consistency with land use plans;

(k) Energy use;

(l) Long-term versus short-term trade-offs;

(m) Floodplains; and

(n) Consistency with areawide planning, such as basin plans and plans prepared pursuant to section 208 of the Act, 33 U.S.C. § 1288, and the nonpoint source management program.

5. For the selected alternative, a concise description at an appropriate level of detail of:

(a) Relevant design parameters.

(b) Cost effects on users of the wastewater system.

(c) Institutional and management arrangements required for successful implementation of the project.

(d) Estimated costs for capital construction, operating and maintenance costs and costs for debt service costs and a description of the manner in which local costs are to be financed, including a preliminary revenue program in the form prescribed by the Division.

(e) Estimated costs of future expansion and long-term needs for reconstruction of facilities following their design life.

6. A summary of public participation in the development of the facility plan.

445A.736 Proposed pollution control projects: Cost-effect analysis. (NRS 445A.135)

1. A cost-effect analysis prepared pursuant to NAC 445A.734 must include:

(a) A description of the relationship between the capacity of alternatives and the needs to be served, including capacity or future growth expected after the project becomes operational.

(b) An evaluation of the alternative methods for the reuse or ultimate disposal of treated wastewater and sludge resulting from the treatment process.

(c) Information concerning total capital costs and annual operation and maintenance costs.

2. The planning period used in the analysis must be 20 years.

3. The monetary costs to be considered in the analysis must include the present worth or equivalent annual value of all capital costs and operation and maintenance costs.

4. The forecasts of population contained in the analysis must be consistent with those prepared by the Department of Taxation.

445A.738 Public hearing before adoption of facility plan. (NRS 445A.135)

1. Before adopting a facility plan, an applicant for financial assistance must hold a public hearing to describe the proposed project and ensure that the concerns of the public are fully considered.

2. The time, place and subject of the public hearing must be announced conspicuously and adequately by the applicant not less than 30 days before the hearing. Copies of the facility plan must be made available for inspection by the public not less than 15 days before the hearing.

3. Notice of the hearing must be circulated within the geographical area covered by the facility plan by:

(a) Publishing notice of the hearing in a newspaper of general circulation in the area; or

(b) Unless otherwise required by federal law, posting notice of the hearing on an Internet website designed to give general public notice that has been approved by the Division.

4. Notice of the hearing must be mailed by the applicant to any person or organization included on a mailing list provided by the Division.

5. Ten copies of the facility plan must be submitted by the applicant to the state clearinghouse for review.

445A.766 Establishment of reserves. (NRS 445A.135)

1. In developing its priority list, the Division shall establish the reserves required or authorized by the Act.

2. The Division may reserve not more than 4 percent of the State's grant awards. This money must be used to administer the fund and to manage the program.

3. The Division shall, in accordance with the provisions of 33 U.S.C. § 1384(b), reserve 1 percent of its annual allotment or $100,000, whichever is more, to carry out water quality management planning.

445A.778 Consistency of project with water quality management plan. (NRS 445A.135) A project must be consistent with the approved elements of any applicable water quality management plan developed pursuant to 33 U.S.C. § 1285(j), 1288, 1313(e) or 1329 and the applicant must be the wastewater management agency designated in that plan.

445A.784 Assurance of access to privately owned individual system. (NRS 445A.135) An applicant for a privately owned individual system shall provide assurance of access to the system at all reasonable times for such purposes as inspection, monitoring, building, operating, rehabilitation and replacement.

445A.792 Approval of award of contract for construction relating to project; resolution of disputes regarding bidding. (NRS 445A.135)

1. Before awarding any construction contract relating to a project, an applicant for financial assistance shall submit to the Division, in the form prescribed by it, a request for approval of the award.

2. The Division may approve the award of the contract only to the lowest responsive, responsible bidder. The Division shall also review the request for approval to ensure that the applicant, his or her consultants and his or her contractors have complied with the positive effort policies relating to disadvantaged businesses.

3. The Division shall not participate in the resolution of any dispute relating to bidding. The resolution of any such dispute is the sole responsibility of the applicant. A request for approval must not be granted until any such dispute has been resolved.

4. A request for approval must not be granted until it can be demonstrated that the project is consistent with approved water management plans and that a valid discharge permit has been issued for the project.

445A.793 Period for award of prime construction contract; extension of period. (NRS 445A.135)

1. Except as otherwise provided in subsection 2, a recipient of financial assistance shall award the prime construction contract within 90 days after the Division approves the award of the contract. If the contract is not awarded within that time, the agreement for financial assistance is null and void.

2. The Division may, upon the request of a recipient, grant an extension of the time provided by subsection 1 in any case where unusual or extenuating circumstances exist. Any request for an extension must be made in writing and must set forth facts justifying the extension.

Permanent Regulation – Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission
Permanent No: R123-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

Proposed regulation changes were prompted by changes to the Nevada Revised Statutes, the federal Clean Water Act, direction from the Environmental Protection Agency (EPA) to find ways of streamlining processes to provide financial assistance to more eligible recipients, and the significant increase in federal funding through the Bipartisan Infrastructure Law (BIL) of 2021.

The proposed changes address key sections of the regulations. Specifically, the proposed changes:

a) Align with the adoption of Assembly Bill 20 (82nd Session)
b) Define the term "affordability criteria"
c) Amend the federally required environmental review process
d) Amend the administrative fee for loans
e) Align state regulations with federal regulations, and
f) Clean up outdated language and update processes

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 Legislative Counsel Bureau published its draft, R123-24P, in the Nevada Register on July 14, 2025.

The NDEP held one public workshop for R123-24P on January 7, 2026. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Ten members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received one verbal question:

1) Nick Charles, representing the City of Reno, commented on the proposed 0.5% annual service fee asked if the annual service fee was in addition to the loan origination fee. Ms. Fontaine confirmed that the annual service fee is in addition to the loan origination fee and clarified that the 0.5% annual service fee was spread over the life of the loan.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to the Office of Financial Assistance email distribution list. The Division accepted written comments on R123-24I and R123-24P for 30 days ending on January 7, 2026.

The SEC held a hybrid regulatory hearing on January 22, 2026, to consider possible action on R123-24P. The SEC posted its public notice, which included a link[1] and instructions to access R123-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

(a) Attended January 22, 2026, hearing: 40 (approximately)
(b) Testified on this petition at the hearing: 1

1. Sheryl Fontaine, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9374
   sfontaine@ndep.nv.gov

(c) Submitted to the agency written comments: None

4. 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.

[1] https://sec.nv.gov/meetings/sec-meeting-january-22-2026

Comments were solicited from affected businesses through one public workshop and during the January 22, 2026, SEC hearing as noted in number 2 above. There were no verbal or written comments received regarding the regulatory amendments during the January 22, 2026, SEC meeting.

5. 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 Commissioners unanimously adopted R123-24P without change because the SEC was satisfied with the proposed regulation.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry:

The proposed regulations expand the eligibility of the program to a private entity or organization for the implementation and development of nonpoint source projects, stormwater projects, watershed projects, decentralized treatment systems, or the recycling of wastewater, stormwater, or subsurface drainage. The entity or organization may or may not be a business defined by NRS 233B.0382.

This proposed regulation does introduce and an annual service fee and establishes the requirement for a reserve account, both of which may have a small adverse financial impact on water systems if they have not kept up with user rate changes in support of basic operating costs. However, the proposed regulation also requires the availability of a hardship waiver if a potential borrower is able to demonstrate that the fee would cause a hardship.

In addition, the interest rates on loans secured through the CWSRF program are lower than those offered by other, more traditional lending institutions. Because of the lower interest rates, our sample calculations show that, even with the added fee, the CWSRF program loans are more affordable than traditional loans from a lending institution.

Public:

The public receives a benefit when a wastewater or stormwater system takes out a loan from the CWSRF versus from the public market. The CWSRF is required to offer below market interest rates in order to make expensive infrastructure projects more affordable. This helps keep user rates lower than they would be if another financing option were used by the water system.

Additionally, the SRFs are required to distribute a portion of the grant as principal forgiveness loans (i.e., loans that are not repaid). This further supports our communities that would not otherwise be able to secure funding to improve their infrastructure and/or come into compliance.

The service fee and reserve accounts may have an adverse impact on the community if the recipient has not been keeping up with rate changes that support their basic operations. The CWSRF program, along with our funding partners, requires a recipient to maintain sufficient user rates for their utility. This means that wastewater user rates must be sufficient to ensure long-term sustainability, should federal funding terminate. The Division estimates this impact will be minimal.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

The proposed changes would not have a significant impact on OFA's ability to enforce program requirements. Service fees would be collected as part of our routine semi-annual debt service collections.

8. 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.

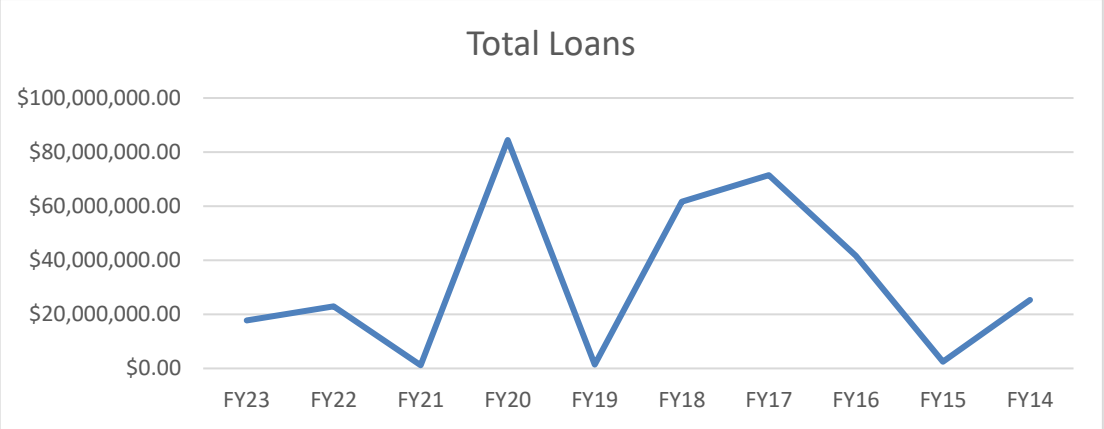
The proposed regulations do not overlap or duplicate other State or Federal Regulations.

9. 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 regulations.

10. 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 fee structure is dependent upon the number of loans initiated within a year, and the number of open loans from previous years that have the service fee requirement. The amount of funds awarded in contracts that have been executed over the last ten years have fluctuated drastically. It is not possible to determine the revenue from potential future loans.



However, NDEP has looked at the previous ten years to see how much the Division would have received, if these fees had been implemented:

Prior Fiscal Year Balances	Origination Fee	Service Fee	Annual Total
FY 2023	$81,800.00	$75,503.02	$157,303.02
FY 2022	115,000.00	72,876.36	187,876.36
FY 2021	5,875.00	69,043.02	74,918.02
FY 2020	413,000.00	68,749.27	481,749.27
FY 2019	2,000.00	50,499.27	52,499.27
FY 2018	306,000.00	50,499.27	356,499.27
FY 2017	352,827.59	34,591.38	387,418.97
FY 2016	208,250.00	17,100.00	225,350.00
FY 2015	11,000.00	6,687.50	17,687.50
FY 2014	125,750.00	6,187.50	131,937.50
Totals	**$1,621,502.59**	**$451,736.61**	**$2,073,239.19**

All funds collected will be used to offset expenses for administering the CWSRF. The loan origination fee that has been collected since 2006 has built up a cash reserve that by itself is not sustainable should the federal grants terminate. An annual fee collected is needed to ensure current cash is generated to fund current expenditures.

CWSRF Administration Expenditures			
State Fiscal Year	Paid By Service Fees	Paid By Grants	Total Administration
2023[B]	$65,890.37	$313,937.75	$379,828.12
2022[B]	176,475.92	148,274.55	324,750.47
2021	264,852.88	0	264,852.88
2020[A]	330,749.23	0	330,749.23
2019	214,900.51	0	214,900.51

[A] Administration costs in SFY 2020 increased due to the development of a new web-based system that increases efficiency in implementing the program. The ongoing costs for this system are minimal.
[B] Administration costs starting in SFY 2022 and forward have increased due to additional staff being added to manage new loans from the Bipartisan Infrastructure Law. Ongoing costs are expected to be elevated from 2019 levels

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014

NEVADA
STATE ENVIRONMENTAL COMMISSION

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time employees" (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. Affected entities (CWSRF water systems) may or may not constitute a "business" as defined by NRS 233B.0382 - the Division can not predict whether future applicants will be affected financially. In addition, the proposed regulation expands the list of recipients eligible to receive program funds. Because the funds are provided at below-market interest rates or are forgivable loans, the customers of newly eligible recipients could receive modest economic benefit. This proposed regulation does introduce a loan origination fee and an annual service fee and establishes requirement for a reserve account, both of which may have a minimal adverse financial impact on water systems if they have not kept up with user rate changes in support of basic operating costs. The proposed regulation also requires the availability of a hardship waiver if a potential borrower is able to demonstrate that the fee would cause a hardship.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. This proposed regulation expands the list of recipients eligible to receive program funds.

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

The Agency's assumptions and conclusions will be covered during the public workshhop process. Comment will be solicited through a workshop held in Carson City and video conferenced to Las Vegas. Notices of the workshop and an invitation for comments will be posted in county public libraries, the Nevada Division of Environmental Protection (NDEP) buildings in Carson City and Las Vegas, the NDEP website, the Legislative Council Bureau's website, and the official State website. The workshop notice will also be emailed to an extensive distribution list maintained by NDEP's Office of Financial Assistance (OFA). A summary of the workshop will be posted on the SEC website at http://sec.nv.gov/meetings when notice is posted for this proposed regulation to go before the SEC as an item for action.

2. The manner in which the analysis was conducted (if an impact was determined).

The agency determined that small businesses would not be impacted (see Small Business Impact Disclosure #1 and #2.

3. The estimated economic effect of the proposed regulation on small businesses:

While the proposed the proposed regulations do introduce an annual fee, they also expand the eligibility of the program to a private entity or organization for the implementation and development of non-point source projects, storm water projects, watershed projects, decentralized treatment systems, or the recycling of wastewater, storm water, or subsurface drainage. The entity or organization may or may not be a business defined by NRS 233B.0382; however, because the program is required to offer loans at below rate interest rates, even with the new fees, the program still provides cost savings to borrowers (see attached comparison table). There is also a requirement in the regulation for the CWSRF Program to make available a hardship waiver if a potential borrower can demonstrate that the fee(s) would cause hardship. Because of these variables, the Division cannot estimate the economic effect on the business at this time.

a. Both adverse and beneficial effects:

Not applicable (see above).

b. Both direct and indirect effects:

Not applicable (see above).

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 the methods. *(Include a discussion of any considerations of the methods listed below.)*

The agency compared the interest rates offered through the program with market rates and added the proposed fees to the difference to determine that, even with the added fees, the program still provides an overall cost savings for borrowers. The proposed regulations also require the Division to make available a hardship waiver of the loan origination fee and sets forth factors to be considered when determining whether a hardship exists.

A. Simplification of the proposed regulation:

Not applicable (see above).

B. Establishment of different standards of compliance for a small business:

Not applicable (see above).

C. Modification of fees or fines so that a small business in authorized to pay a lower fee or fine:

See above.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

The proposed changes would not have a significant economic impact on the agency.

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

The Clean Water State Revolving Fund (CWSRF) must remain sustainable into the future as CWSRF funding is meant to revolve in perpetuity to support Nevada's water systems. Currently, the Division collects a loan origination fee only at the time the loan closes. The Division is not currently collecting any funding annually, while the loan remains outstanding and payable to the state. If the federal grants were no longer available, the program does not have another funding source to rely upon for administration of the long-term management of the loans. These fees will provide enough resources to allow the SRF programs to remain viable if federal grants become unavailable.

The proposed fee structure is dependent upon the number of loans initiated within a year, and the number of open loans from previous years that have the service fee requirement. The amount of funds awarded in contracts that have been executed over the last ten years have fluctuated drastically. It is not possible to determine the revenue from potential future loans.

However, NDEP has looked at the previous ten years to see how much the Division would have received, if these fees had been implemented:

Prior Fiscal Year	Balances	Origination Fee	Service Fee	Annual Total
FY 2023		$81,800.00	$75,503.02	$157,303.02
FY 2022		115,000.00	72,876.38	187,876.38
FY 2021		5,875.00	69,043.02	74,918.02
FY 2020		413,000.00	68,749.27	481,749.27
FY 2019		2,000.00	50,499.27	52,499.27
FY 2018		306,000.00	50,499.27	356,499.27
FY 2017		352,827.59	34,591.38	387,418.97
FY 2016		208,250.00	17,100.00	225,350.00
FY 2015		11,000.00	6,687.50	17,687.50
FY 2014		125,750.00	6,187.50	131,937.50
Totals	$1,621,502.59	$451,736.61	$2,073,239.19	

All funds collected will be used to offset expenses for administering the CWSRF. The loan origination fee that has been collected since 2006 has built up a cash reserve that by itself is not sustainable should the federal grants terminate. An annual fee collected is needed to ensure current cash is generated to fund current expenditures.

CWSRF Administration Expenditures

State Fiscal Year	Paid By Service Fees	Paid By Grants	Total Administration
2023	$65,890.37	$313,937.75	$379,828.12
2022	176,475.92	148,274.55	324,750.47
2021	264,852.88	0	264,852.88

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

The proposed regulations are not more stringent than federal regulations.

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

Although there may be a small adverse economic effect on small businesses, because the agency cannot predict whether future loan applicants will be considered a small business under NRS 233B.0382, it is not possible for the agency to determine the actual effect. In addition, the impact would be small if the business (CWSRF water system) has updated user rates supporting basic operation and the impact may be offset by a lower interest rate and/or loan forgiveness.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.

Administrator, NDEP

1/5/2026
Date

Supporting Documents

Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304

Comparison between cost of average SRF loan (plus new fees) versus cost of market rate loan for Small Business Impact Statement – R123-24.

Borrower Name	EXAMPLE OF SRF LOAN vs MUNICPAL BOND RATE
	Breakdown per million for 20 Year Equivalency Loan
Closing Date	January 1, 2026
First Payment Date	July 1, 2026
Loan Amount	$1,000,000.00
Length of Amortization	20
Total Number of Payments	40

EXAMPLE BELOW SHOWS SAVINGS BASED ON MOST RECENT RATES
Rates below from December 11, 2025

	Municpal Bond	SRF Loan	Difference	
Interest Rate	4.81%	2.41%		
Interest Paid	$ 568,061.39	$ 266,184.36	$ 301,877.03	
Loan Origination Fee		$ 5,000.00	$ (5,000.00)	
Annual Service Fee*		$ 5,000.00	$ (5,000.00)	
Principal Paid	$ 1,000,000.00	$ 1,000,000.00	$ -	
Total Paid	$ 1,568,061.39	$ 1,276,184.36	$ 291,877.03	
TOTAL SAVINGS THROUGH SRF per million (Including Fees)			$ 291,877.03	29.19%

*Total paid over life of loan

SRF 20 Year rates are calculated weekly using the 20 Year Municipal Bond Rate	4.81%
Equivalency Loan 50% of Bond Rate	2.41%
Non Equivalency Loan 59% of Bond Rate	2.84%

Fees total 1% of the loan amount (10,000 for every 1,000,000). Loan Origination Fee of 0.50% is due in full when the contract is signed. Annual Service Fee is due Jan 1 each year for a total of 0.50% of the loan divided up into 20 payments over the life of the loan.

Loan Origination Fee	0.50%	$ 5,000.00
Annual Service Fee*	0.50%	$ 5,000.00
	1.00%	$ 10,000.00

R134-24

ADOPTED REGULATION OF THE

COMMISSIONER OF INSURANCE

LCB File No. R134-24

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

AUTHORITY: §§ 1-5, NRS 679B.130 and 686B.125.

A REGULATION relating to insurance; interpreting certain terms for the purpose of establishing the types of entities that are required to submit certain reports relating to coverage for dental care; prescribing certain requirements governing such reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the sale or offering for sale of any contract providing coverage for dental care at a rate which is excessive, which is defined as a ratio of losses to premiums collected which is less than 75 percent. Existing law further requires an insurer, organization or person licensed to engage in the business of insurance in this State that provides coverage for dental care in this State to annually file with the Commissioner of Insurance a report of the losses and premiums collected for the calendar year. (NRS 686B.125) **Section 3** of this regulation limits the applicability of this reporting requirement to only include insurers, organizations or persons licensed to engage in the business of insurance in this State who provide stand-alone dental insurance in this State. **Section 2** of this regulation defines the term "stand-alone dental insurance." **Section 4** of this regulation prescribes: (1) the date on which an insurer, organization or other person licensed to engage in the business of insurance in this State must submit the annual report; and (2) certain requirements for the content of the report. **Section 5** of this regulation provides that an insurer, organization or person licensed to engage in the business of insurance in this State: (1) need not submit a report until May 1, 2026; and (2) must include, to the extent applicable, in the first report that the insurer, organization or person submits, information for the years 2023, 2024 and 2025, stated separately.

Section 1. Chapter 686B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *As used in sections 2, 3 and 4 of this regulation, unless the context otherwise requires, "stand-alone dental insurance" means any policy of insurance which only pays for or reimburses any part of the cost of dental care, as defined in NRS 695D.030, and is offered or issued separately from any policy of health insurance.*

Sec. 3. *For the purposes of the submission of reports pursuant to NRS 686B.125, the Commissioner interprets "insurer, organization or person licensed pursuant to this title who provides coverage for dental care in this State" to include only an insurer, organization or person licensed pursuant to title 57 of NRS who provides stand-alone dental insurance in this State.*

Sec. 4. *1. A report submitted pursuant to NRS 686B.125 by an insurer, organization or person licensed pursuant to title 57 of NRS must:*

(a) Be submitted on or before May 1 of each year on a form prescribed by the Commissioner;

(b) Include all losses incurred in connection with stand-alone dental insurance during the previous calendar year and paid through March 31 of the year in which the report is filed;

(c) Include all premiums earned in connection with stand-alone dental insurance during the previous calendar year; and

(d) Separately list the losses and premiums for the individual, small employer and large employer markets.

2. As used in this section:

(a) "Large employer" means an employer that is not a small employer.

(b) "Loss" means a direct claim incurred.

(c) "Premium" means a direct premium earned.

(d) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 5. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. Notwithstanding the provisions of section 2 of this regulation, an insurer, organization or person licensed pursuant to title 57 of NRS who provides coverage for dental care in this State is not required to submit a report pursuant to NRS 686B.125 until May 1, 2026. The report submitted on May 1, 2026, must include, to the extent applicable, the information required by section 4 of this regulation for the years 2023, 2024 and 2025, stated separately.

2. As used in this section, "insurer, organization or person licensed pursuant to title 57 of NRS who provides coverage for dental care in this State" has the meaning ascribed to "insurer, organization or person licensed pursuant to this title who provides coverage for dental care in this State" in section 3 of this regulation.

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

LCB FILE NO. R134-24
Dental Loss Ratio

The following statement is submitted by the State of Nevada, Department of Business and Industry, Division of Insurance ("Division") for adopted amendments to Nevada Administrative Code ("NAC") Chapter(s) 686B.

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

This regulation is necessary as it is mandated to be promulgated under state law as outlined in NRS 686B.125 as amended by Senate Bill 393 ("SB 393") of the 82nd legislative session. Insurers and other entities are required to file annual reports with the Commissioner detailing the losses incurred and premiums earned for the reporting year. The proposed regulation establishes the provisions for insurers and other entities to be able to fulfill the reporting requirements of the bill.

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.

(a) A description of how public comment was solicited:

Public comment was solicited by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and determination of small business impact statement to persons on the Division's mailing list requesting notification of proposed regulations. The documents were also made available on the website of the Division, http://doi.nv.gov/, the website of the Nevada Legislature, http://www.leg.state.nv.us, and the Nevada Public Notice website, https://notice.nv.gov/. The documents were also emailed to the main library for each county in Nevada.

Public comment was also solicited at the workshops held on January 13, 2025 and January 27, 2025, and at the hearing held on November 7, 2025. The public workshops and hearing took place virtually via Webex and Microsoft Teams and in person at the Division's offices located at 1818 E. College Pkwy, Carson City, Nevada 89706 and 3300 W. Sahara Ave., Las Vegas, Nevada 89102.

(b) The Division has received comments from the National Association of Dental Plans (NADP), Delta Dental, Tri-Strategies, and Dragon Dental regarding the proposed regulation.

1) NADP and Delta Dental suggested amending the loss ratio calculation or definition of "loss" to be consistent with the Medical Loss Ratio defined in 45 CFR 158.

2) NADP and Delta Dental expressed concerns with the implementation timeline and/or the three-year aggregation of the data for posting to the Division's website.

3) Delta Dental suggested excluding small group from the reporting requirements since small

group is excluded from meeting the 75% DLR requirement.

4) NADP suggested establishing a 1,000 life-years credibility threshold to exempt carriers with highly variant claims data from reporting.

5) Tri-Strategies on behalf of the Nevada Dental Association proposed to strike the word "only" from section 2.

6) Tri-Strategies proposed a considerable addition to section 4 to specify definitions.

7) Tri-Strategies proposed a new section 5 which requires the Division to publish loss ratios for three consecutive years.

8) Tri-Strategies proposed a new section 6 stating again the 75% loss ratio requirement.

9) Tri-Strategies proposed a new section 7 mandating the Commissioner require carriers to rebate premiums if loss ratios exceed 75%.

10) Tray Abney spoke on behalf of NADP, AHIP, The American Council of Life Insurers and the Nevada Association of Health Plans. His statements repeated the suggestions in the written letter summarized above.

11) Dr. Mouhab Rizkallah spoke as the president of the American Alliance on Dental Insurance Quality. He spoke of how legislation was working in Massachusetts and reiterated the suggestions from the letter from Tri-Strategies summarized above.

12) Paul Klein from Tri-Strategies spoke on behalf of the Nevada Dental Association and affirmed Dr. Mouhab Rizkallah's remarks.

13) Dr. Richard Dragon, DMD, also provided written comment regarding the development of the 75% loss ratio and his work on SB 393 while he was the Nevada Dental Association Council on Government Affairs Chairperson.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 2(b) above reflects the public comments and testimony that transpired with regard to regulation R134-24. A copy of said summary may be obtained by contacting regs@doi.nv.gov.

3. The number of persons who:

(a) Attended the hearing: 27
(b) Testified at the hearing: 5
(c) Submitted to the agency written statements: 6

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 part 3(b) and (c), as provided to the agency:

Testified at the hearing:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Jeremy Christensen	Division of Insurance	1818 E. College Pkwy., Ste. 103, Carson City, NV 89706	(775) 687-0730	jchristensen@doi.nv.gov
Tray Abney	AHIP	11140 Parma Way, Reno, NV 89521	(775) 443-5561	
Dr. Mouhab Rizkallah				
Paul Klein	TriStrategies		(775) 830-7285	paul@tri-strategies.com
Jack Childress	Division of Insurance	1818 E. College Pkwy., Ste. 103, Carson City, NV 89706	(775) 687-0731	jchildress@doi.nv.gov

Submitted to the agency written statements:

Name	Entity/Organization Represented	Business Address	Telephone No./ Business Telephone No.	E-Mail Address
Paul Klein	TriStrategies		(775) 830-7285	paul@tri-strategies.com
Jeff Album	Delta Dental	3241 Kilgore Rd., Rancho Cordova, CA 95670	(415) 972-8418	jalbum@delta.org
Richard J. Dragon, DMD	Dragon Dental	1234 Waterloo Ln., Gardnerville, NV 89410	(775) 721-9201	rick@dragondental.org
Bianca Balale	NADP (also on behalf of AHIP, ACLI, and NvAHP)		(972) 430-6723	bbalale@nadp.org

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

(a) A description of how comments were solicited from affected businesses:

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Please see the description provided above in response to part 2(a).

(b) A summary of the responses from affected businesses:

All public comments summarized above were from affected business; either representatives for the dental providers or representatives for the dental carriers.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 5(b) above reflects the public comments and testimony that transpired

with regard to regulation R134-24. A copy of said summary may be obtained by email request to regs@doi.nv.gov.

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

The Division considered each of the arguments provided by industry representatives who were opposed to various aspects of the proposed regulation. Ultimately, the Division chose to adopt the proposed regulation without any changes, for the reasons explained below.

a) Response to the suggestions in comment 1: During the drafting of SB 393, this was considered, but with a higher loss ratio threshold of 80%. After consultation with the Division the decision was ultimately made to simplify the reporting requirement to losses/premiums and reduce the loss ratio threshold to 75%, the 5% difference being the approximate average observed by applying the criteria in 45 CFR 158. As such, the Division's view is that this interpretation would not be consistent with the intention of the enacted legislation.

b) Response to the concerns in comment 2: To be in compliance with the statute reporting requirements, which are explicitly stated, the Division must continue as outlined. The Division doesn't view this as an undue burden as this data is already used in carrier rate making and should be readily available by May 1st. The March 31st run out date is to allow payments to be made for claims incurred during the previous calendar year and is given to minimize any effect due to any Incurred But Not Paid (IBNP) amounts. This run out for the experience period is the same used in pricing the far more complex major medical plans.

c) Response to the suggestions in comment 3: During the drafting of SB 393, small group was intentionally excluded from the 75% DLR requirement and intentionally included in the reporting requirement. This was confirmed through the Division's direct meetings with the legislators. We view this recommendation as being in conflict with the legislative intent.

d) Response to the suggestions in comment 4: The Division addressed this concern during the drafting of SB 393. Through discussions with consulting actuaries, we determined that there wasn't an industry standard of credibility that could be relied upon, and drafters were hesitant to exempt carriers from reporting. It was decided that any discussions regarding credibility would be handled internally at the Division in our determinations of compliance with the 75% loss ratio, and any carriers that had non-credible data could be exempted from penalties outlined in NRS 686B.125(7) at the Division's discretion. Additionally, any such carriers would have their reported loss ratios annotated on the Division's website to indicate that they are not statistically reliable.

e) Response to the suggestions in comment 5: The word "only" is very deliberate. Without it, the statue applies to indemnity policies which do not operate on a medical expense basis, are typically low premium requiring large commission percentages making it impossible to operate under a 75% loss ratio, thus forcing a market exit for such products. This would have an adverse impact on consumer choice and the NV insurance market as a whole. The language change would also make the statute apply to major medical policies which may just pay for emergency dental care and Temporomandibular Joint (TMJ) disorders. Major medical already meets an 80% Medical Loss Ratio requirement pursuant to the Affordable Care Act

(ACA), which they report annually with their rate filings. Additional reporting causes an undue regulatory burden.

f) Response to the suggestions in comment 6: The Division finds this addition to be redundant to other items in the statute and regulation which clearly define the loss ratio to be the ratio of loss to premiums where losses and premiums are specifically defined in the regulation.

g) Response to the suggestions in comment 7: This suggestion conflicts with the clear language of the statute. This was specific in the legislative deliberations as it helps to reduce the massive variations in loss ratio experienced by small insurance providers that have low membership. Publishing annual rates would be prejudicial to the smaller insurance carriers, potentially leading to declining enrollment and market exits. This would then further consolidate the dental insurance market to a few large carriers, reducing consumer choice and potentially adversely impacting provider compensation by further reducing their negotiating power.

h) Response to the suggestions in comment 8: The suggested additional section is redundant as it repeats the required 75% loss ratio already cited in the statute. The Division does not feel this is necessary to add clarity to the statute.

i) Response to the suggestions in comment 9: The discretion of the Commissioner to assess penalties was language in the statute specifically negotiated by the Division. The suggested section eliminates that discretion. This discretion is necessary to determine whether the carrier is truly out of compliance or just experiencing large statistical variance common to carriers with low membership. This discretion was again deliberate, and combined with the 3-year aggregation, to protect the small insurance providers with low data credibility. These providers may experience a 40% loss ratio one year and a 150% loss ratio the next. To force a rebate for the 40% loss ratio and make the carrier absorb the following 150% loss will force small carriers into default or market exit and cause damage to the overall insurance market.

j) Comments 10-12 have been addressed in a) – i) above.

7. (a) The estimated economic effect of the adopted regulation on the business which it is to regulate:

(1) Beneficial Effects:

i. Immediate: This should be a competitive and economic boost to insurers that already meet the minimum loss ratio requirements by prohibiting competitors from undercutting rates and benefits and profiting excessively.

ii. Long Term: Same benefit.

(2) Adverse Effects:

i. Immediate: There is no adverse impact anticipated.

ii. Long-Term: There is no adverse impact anticipated.

(b) The estimated economic effect of the adopted regulation on the public:

(1) Beneficial Effects:

i. Immediate: If a carrier exists that offers a product with rates expected to result in a loss ratio less than the currently mandated 75% loss ratio, the regulation will assist with the process of identifying the carrier and correcting the situation, ensuring that for consumers either benefits are increased, or premiums are reduced.:

ii. Long-Term: Same benefit.

(2) Adverse Effects:
i. Immediate: There is no adverse impact anticipated.
ii. Long-Term: There is no adverse impact anticipated.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no anticipated cost to the agency.

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.

There is no regulatory overlap.

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

There is no federal regulation for dental insurance to compare.

11. If the regulation establishes 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.

There is no additional fee to be collected.

STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
DIVISION OF INSURANCE

Determination of Impact on Small Businesses
DENTAL LOSS RATIO
REG NO. R134-24

1. BACKGROUND.

Senate Bill 393 of the 82nd Legislative Session of the State of Nevada directs the Commissioner of Insurance to promulgate regulation in order to provide specific direction to insurers and other entities on how to satisfy the requirements of the bill. The bill instructs insurers and other entities to file reports with the Commissioner reporting losses and premiums for the calendar year. The purpose of this reporting is to confirm compliance with existing statute directing certain insurers and other entities offering coverage for dental care to adhere to a "loss ratio" (defined as the ratio of claims to premiums) of no less than 75 percent.

2. DETERMINATION AS TO SMALL BUSINESS IMPACT.

A. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business?

☒ NO ☐ YES, see the Small Business Impact Statement.

B. Does the proposed regulation directly restrict the formation, operation, or expansion of a small business?

☒ NO ☐ YES, see the Small Business Impact Statement.

C. What methods did the agency use to determine the impact of the proposed regulation on a small business?

Agency staff engaged in internal discussion regarding the impacts of the regulation to small businesses and determined that neither significant economic burdens nor direct restrictions would be imposed upon small business through the promulgation of this regulation.

D. What are the reasons for the agency's conclusions?

This regulation imposes no requirements on insurers or other entities that extend beyond what is mandated in Senate Bill 393, and therefore the regulation itself will have no impact to small business. This regulation merely provides clarification to insurers and other entities on how to complete the reporting requirements of the bill.

I, SCOTT J. KIPPER, Commissioner of Insurance for the State of Nevada, hereby certify, to the best of my knowledge or belief, that a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this Statement is accurate.

SCOTT J. KIPPER
Commissioner of Insurance

12/26/24
(DATE)

By: 

NICK STOSIC
Deputy Commissioner
With Delegation of Authority

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

SCOTT J. KIPPER
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

MEMORANDUM

DATE: **December 23, 2024**

TO: **Nick Stosic – Deputy Commissioner**

FROM: **Scott J. Kipper – Insurance Commissioner**

SUBJECT: **Delegation of Authority in the Commissioner's Absence**

I hereby issue a Delegation of Authority for you to act on my behalf while I am out of the office from December 23rd to December 27th. You are empowered to exercise all authority necessary to handle matters coming before the Division of Insurance, unless otherwise delegated. This delegation can be superseded by an appointment of a new Commissioner or appointment of an acting Commissioner by Director of the Department of Business and Industry, Dr. Kristopher Sanchez.

SCOTT J. KIPPER
Commissioner of Insurance

R184-24

ADOPTED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R184-24

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

AUTHORITY: §§ 1-18, NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728.

A REGULATION relating to anatomical gifts; prescribing requirements governing the certification and operation of a nontransplant anatomical donation organization; prescribing fees for the issuance or renewal of such a certification; prescribing the duties of certain persons and entities involved in the governance of a nontransplant anatomical donation organization; authorizing the Health Care Purchasing and Compliance Division of the Nevada Health Authority to conduct an investigation upon receipt of a complaint against a nontransplant anatomical donation organization; authorizing the suspension or revocation of the certification of a nontransplant anatomical donation organization under certain circumstances; requiring a nontransplant anatomical donation organization to biannually report certain information to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the making of anatomical gifts and for the procurement of human organs, tissues and eyes by certain organizations, including nontransplant anatomical donation organizations. (NRS 451.500-451.598) Existing law defines "nontransplant anatomical donation organization" to mean a person who engages in the recovery, screening, testing, processing, storage or distribution of human bodies or parts for a purpose other than transplantation. Existing law requires each nontransplant anatomical donation organization in this State to: (1) be certified by the Health Care Purchasing and Compliance Division of the Nevada Health Authority; (2) follow certain standards and guidelines established by the State Board of Health; and (3) report to the Division information relating to the human bodies and parts procured by the organization. (NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728)

Sections 3 and 4 of this regulation define certain terms related to nontransplant anatomical donation organizations, and **section 2** of this regulation establishes the applicability of those terms. To obtain an initial certification, **section 5** of this regulation requires a nontransplant anatomical donation organization to submit an application and pay a fee to the

Division. **Section 6** of this regulation prescribes the process and fee for renewing a certification as a nontransplant anatomical donation organization. **Section 7** of this regulation requires a nontransplant anatomical donation organization to submit a revised application and pay a fee before making certain changes relating to the ownership, management or operation of the organization.

Section 8 of this regulation requires the Division to review and make a determination concerning each application for the issuance or renewal of a certification as a nontransplant anatomical donation organization. With certain exceptions, **section 8** requires the Division to conduct an inspection of any facility of an applicant before making such a determination. **Section 8** also specifies that an initial certification and a renewed certification are valid for 2 years after the date of issuance or renewal, as applicable.

Section 9 of this regulation requires a nontransplant anatomical donation organization to notify the Division not more than 30 days after any changes to the information provided to the Division on an application for an initial certification. **Section 9** also requires a nontransplant anatomical donation organization to notify the Division as soon as practicable after deciding to cease operations.

Section 10 of this regulation requires a nontransplant anatomical donation organization to: (1) display the certification issued to the organization at each facility operated by the organization; and (2) maintain each facility operated by the organization in conformance with existing laws and regulations. **Section 10** also requires a nontransplant anatomical donation organization that ceases operations to return to the Division each certification issued to the organization.

Section 11 of this regulation prescribes the duties of the governing body of a nontransplant anatomical donation organization, including requirements that such a governing body: (1) adopt policies and procedures; (2) appoint a director for each facility operated by the organization; (3) appoint a medical director for the organization; (4) establish a comprehensive quality improvement program to evaluate the provision of services by the organization; and (5) establish a committee or appoint a natural person to oversee the quality improvement program. **Section 12** of this regulation prescribes certain duties of such a committee or natural person. **Section 13** of this regulation prescribes certain duties of: (1) the director of each facility operated by a nontransplant anatomical donation organization; and (2) the medical director of a nontransplant anatomical donation organization.

Section 14 of this regulation requires each nontransplant anatomical donation organization to prepare and maintain a record of each donor from whom the organization obtains anatomical material in this State.

Section 15 of this regulation requires a nontransplant anatomical donation organization to provide certain written notice to each: (1) donor or person making a donation before accepting a donation; and (2) person to whom any anatomical material is returned. With certain exceptions, **section 15** also requires a nontransplant anatomical donation organization to dispose of any anatomical material that is not returned to a person making a donation in accordance with any applicable federal laws or regulations.

Section 16 of this regulation prescribes certain requirements regarding the operation of a nontransplant anatomical donation organization, including requirements intended to reduce the

transmission of infection or communicable disease at each facility operated by the organization.

Section 17 of this regulation authorizes the Division to conduct an investigation of a nontransplant anatomical donation organization upon receipt of a complaint made against the organization. **Section 17** requires the Division to report any violation noted at the time of an inspection to the director of the facility at which the violation occurred and requires the director to submit a plan of correction for each violation. **Section 17** also authorizes the Division to suspend or revoke the certification of a nontransplant anatomical donation organization for failure to cooperate with an investigation or for failure to submit a plan of correction.

Existing law requires the Division to collect and analyze information from each nontransplant anatomical donation organization in this State on the number and disposition of human bodies and parts procured by such organizations and make such information available to the Governor and the Legislature upon request. (NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728) **Section 18** of this regulation requires each nontransplant anatomical donation organization to biannually report to the Division the number and disposition of human bodies and parts procured by the organization.

Section 1. Chapter 451 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Division" means the Health Care Purchasing and Compliance Division of the Nevada Health Authority.***

Sec. 4. ***"Governing body" means the governing body of a nontransplant anatomical donation organization.***

Sec. 5. ***1. To obtain an initial certification to procure a human body or part in this State as required pursuant to NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728, a nontransplant anatomical donation organization must submit an application to the Division on a form prescribed by the Division and pay a nonrefundable application fee of $1,785.***

2. An application submitted pursuant to subsection 1 must include:

(a) If applicable, a copy of the state business license of the applicant issued pursuant to chapter 76 of NRS and a copy of the current business license issued for the applicant's business by the county, city or town in which the applicant's business is located or written verification that the applicant is exempt from any requirement to obtain a business license;

(b) The federal tax identification number of the applicant;

(c) As applicable, a copy of the bylaws, articles of incorporation, articles of association, articles of organization, partnership agreement, operating agreement or constitution or any other substantially equivalent documents of the applicant, and any amendments thereto;

(d) The name, title and principal business address of each member of the governing body of the applicant and three or more letters of professional reference of each such member;

(e) A list of all facilities owned or operated by the applicant; and

(f) A statement regarding the scope of operations of the applicant and the services provided at each facility owned or operated by the applicant.

Sec. 6. *1. To renew a certification issued pursuant to section 8 of this regulation, a nontransplant anatomical donation organization must submit an application to the Division on a form prescribed by the Division and pay a nonrefundable renewal fee of $892.50.*

2. The Division shall provide the form required by subsection 1 to each nontransplant anatomical donation organization at least 90 days before the certification expires.

Sec. 7. *A nontransplant anatomical donation organization shall submit a revised application to the Division and pay a nonrefundable fee of $250:*

1. At least 30 days before:

(a) A change in the ownership or management of the organization, including, without limitation, acquisition of the organization by another nontransplant anatomical donation organization or merger with another nontransplant anatomical donation organization.

(b) A change in any facility used by the organization that may affect the operation of the organization, including, without limitation, a transfer of the real property on which a facility is located, an expansion of a facility, a relocation of a facility, the renovation of a facility or structural changes in a facility. If the real property on which a facility is located is transferred, a nontransplant anatomical donation organization shall submit a copy of any lease agreement relating to the transfer with the revised application.

(c) A change in the scope of the operations of the organization or the services provided at a facility.

2. Within 10 days after the date on which the governing body appoints a new director to a facility operated by the organization.

Sec. 8. *1. The Division shall review each application submitted pursuant to section 5, 6 or 7 of this regulation for completeness and:*

(a) Accept the application if the Division finds that the application is complete; or

(b) Return the application to the applicant if the Division finds that the application is incomplete.

2. The Division shall include with an application returned to an applicant pursuant to subsection 1 written notification that the application is incomplete and a description of the additional information or documentation required to complete the application. An applicant

must submit the required information or documentation not more than 30 days after the date on which the applicant receives the returned application.

3. Except as otherwise provided in subsection 4, upon receipt of a completed application and payment of any applicable application fees, the Division shall inspect any facility of the nontransplant anatomical donation organization and any records that the Division determines are necessary to evaluate compliance with any applicable federal laws or regulations. After completing the inspection, the Division shall:

(a) Issue or renew the certification, as applicable; or

(b) Deny the application, in writing, and include the reasons for the denial.

4. Upon receipt of a completed revised application submitted pursuant to section 7 of this regulation and payment of any applicable fee, the Division may inspect any facility of the nontransplant anatomical donation organization and any records that the Division determines are necessary to evaluate compliance with any applicable federal laws or regulations, if the Division determines such an inspection is in the best interest of the State. Upon receipt of the completed revised application and the completion of any inspection, the Division shall:

(a) Issue or renew the certification, as applicable; or

(b) Deny the application, in writing, and include the reasons for the denial.

5. An initial certification issued pursuant to this section is valid for 2 years after the date of issuance.

6. A certification renewed pursuant to this section is valid for 2 years after the date of renewal.

Sec. 9. ***A nontransplant anatomical donation organization shall notify the Division in the form prescribed by the Division:***

1. Not more than 30 days after any information submitted on an application for an initial certification pursuant to section 5 of this regulation, an application for renewal submitted pursuant to section 6 of this regulation or a revised application submitted pursuant to section 7 of this regulation changes.

2. As soon as practicable after deciding to cease operations.

Sec. 10. ***1. A nontransplant anatomical donation organization shall display the certification issued to the organization pursuant to section 8 of this regulation in a conspicuous manner at each facility operated by the organization.***

2. A nontransplant anatomical donation organization shall maintain each facility operated by the organization in conformance with NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728, and the provisions of sections 2 to 18, inclusive, of this regulation.

3. A nontransplant anatomical donation organization that ceases operations shall return to the Division each certification issued to the organization pursuant to section 8 of this regulation immediately upon ceasing operations, regardless of whether the nontransplant anatomical donation organization ceased operations voluntarily or was required to cease operations for any reason, including, without limitation, because:

(a) The organization failed to renew the certification by the date of expiration of the certification; or

(b) The Division suspended or revoked the certification pursuant to section 17 of this regulation.

Sec. 11. *A governing body shall:*

1. Adopt and maintain policies and procedures that are consistent with standards of practice for nontransplant anatomical donation organizations, including, without limitation:

(a) Criteria for accepting anatomical material;

(b) A policy for screening and testing donors;

(c) A policy for monitoring the environment in a facility operated by the organization;

(d) A policy for monitoring equipment in a facility operated by the organization;

(e) Standards for controlling infection in a facility operated by the organization and minimizing the transmission of communicable disease in such a facility; and

(f) Standards for the use of personal protective equipment while handling anatomical material.

2. Ensure that all services provided by the nontransplant anatomical donation organization comply with the policies and procedures adopted pursuant to subsection 1 and any applicable federal laws or regulations.

3. Appoint a director for each facility operated by the nontransplant anatomical donation organization.

4. Appoint a medical director of the nontransplant anatomical donation organization who must:

(a) Be licensed pursuant to chapter 630 or 633 of NRS; and

(b) Have training and experience in evaluating and determining the eligibility of a donor to donate anatomical material, including, without limitation, training and experience in infectious disease.

5. Establish a comprehensive quality improvement program to evaluate the provision of services by the nontransplant anatomical donation organization.

6. Establish a committee comprised of such members as prescribed by the governing body to oversee the quality improvement program established pursuant to subsection 5 or appoint a natural person to oversee the quality improvement program.

Sec. 12. *A committee established pursuant to subsection 6 of section 11 of this regulation or a natural person appointed pursuant to that subsection shall:*

1. Adopt written policies for carrying out the comprehensive quality improvement program established pursuant to subsection 5 of section 11 of this regulation.

2. Submit the written policies adopted pursuant to subsection 1 to the governing body for approval.

3. At least annually, review the written policies adopted pursuant to subsection 1 and, if necessary, update the policies and submit the updated policies to the governing body for approval.

4. Continually evaluate the provision of services by the nontransplant anatomical donation organization, including, without limitation, compliance with:

(a) The policies and procedures adopted by the governing body pursuant to subsection 1 of section 11 of this regulation; and

(b) The requirements prescribed by sections 14, 15 and 16 of this regulation.

5. Report to the governing body any area in which the committee or natural person, as applicable, determines, through an evaluation conducted pursuant to subsection 4, that the nontransplant anatomical donation organization is noncompliant.

6. Prescribe any remedial action necessary to address an area of noncompliance identified pursuant to subsection 5.

7. Document the outcome of any remedial action taken pursuant to subsection 6.

8. Make suggestions to the governing body to promote the efficient and effective operation of the nontransplant anatomical donation organization.

Sec. 13. *1. The director of a facility appointed pursuant to subsection 3 of section 11 of this regulation:*

(a) Is responsible for the day-to-day operation and management of the facility.

(b) Shall:

(1) Ensure that all services provided at the facility comply with the policies and procedures adopted by the governing body pursuant to subsection 1 of section 11 of this regulation; and

(2) Establish standards for the control of infection at the facility.

2. The medical director of the nontransplant anatomical donation organization appointed pursuant to subsection 4 of section 11 of this regulation must be available to consult with other staff of the nontransplant anatomical donation organization concerning the cause of death or medical history of a potential donor before the nontransplant anatomical donation organization accepts the donor.

Sec. 14. *1. Each nontransplant anatomical donation organization shall prepare and maintain a legible, reproducible record of each donor from whom the organization obtains anatomical material in this State. Such a record must include, without limitation:*

(a) Documentation that the donor donated the anatomical material for a purpose other than transplantation or, if the decision to donate the anatomical material is made by a person other than the donor after the death of the donor, documentation that the person making the donation is authorized to make the donation, that the donation is being made in accordance with NRS 451.500 to 451.598, inclusive, and that the donation is being made for a purpose other than transplantation;

(b) The name of any nongovernmental entity that possessed the anatomical material before the date on which the organization took possession of the anatomical material; and

(c) Documentation concerning the disposition of the anatomical material by the organization, including, without limitation, the name and address of each person that receives the anatomical material from the organization.

2. Each nontransplant anatomical donation organization shall:

(a) Notify the Division of the location at which a record prepared pursuant to subsection 1 is stored;

(b) Maintain for a period of not less than 10 years a record prepared pursuant to subsection 1;

(c) Take reasonable precautions to protect a record prepared pursuant to subsection 1 from unauthorized access or destruction; and

(d) Allow authorized employees of the Division to review a record prepared pursuant to subsection 1 upon request.

3. If a nontransplant anatomical donation organization changes ownership, the new owner must assume responsibility for complying with the requirements prescribed in subsection 2.

4. Before ceasing operations, a nontransplant anatomical donation organization that plans to cease operations in this State shall confirm the location at which any record prepared pursuant to subsection 1 will be stored.

5. An organization that has ceased to operate in this State shall notify the Division if the location at which records are stored changes at any time during the period prescribed in paragraph (b) of subsection 2.

Sec. 15. *1. Before accepting a donation, a nontransplant anatomical donation organization shall provide to each donor or person making a donation a written notice that explains:*

(a) The manner in which the organization intends to dispose of the anatomical material, including, without limitation, whether the organization plans to return any anatomical material and, if so, how such material will be returned;

(b) The manner in which any costs relating to transporting or disposing of the anatomical material will be allocated, including, without limitation:

(1) Whether the organization plans to pay such costs; and

(2) If such costs will not be paid by the organization, which costs will be the responsibility of the donor or person making the donation; and

(c) The manner in which any costs relating to rescission or rejection of a donation will be allocated.

2. A nontransplant anatomical donation organization that returns any anatomical material shall provide to each person to whom a return is made written notice of whether all or part of a donor's body has been returned.

3. Except as otherwise provided in this subsection, a nontransplant anatomical donation organization shall dispose of any anatomical material that is not returned in accordance with any applicable federal laws or regulations relating to the disposition of human remains. The provisions of this subsection do not apply to anatomical material that an organization has recovered or distributed for research or educational purposes.

Sec. 16. *1. Each nontransplant anatomical donation organization shall:*

(a) Comply with any policies and procedures adopted by its governing body pursuant to subsection 1 of section 11 of this regulation;

(b) Ensure that any facility operated by the organization is sanitary;

(c) Implement practices to reduce the transmission of infection or communicable disease at each facility operated by the organization;

(d) Develop and implement a program for the prevention, control and investigation of infection and communicable disease in each facility operated by the organization; and

(e) Perform any remedial action prescribed by a committee or natural person pursuant to subsection 6 of section 12 of this regulation.

2. A nontransplant anatomical donation organization which sterilizes or disinfects its own supplies, nondisposable surgical instruments and mechanical or electrical equipment used on donated bodies or body parts shall:

(a) Provide a designated area in each facility operated by the organization for the preparation, sterilization, disinfection and storage of sufficient sterile supplies and equipment; and

(b) Develop systems and standards for sterilization and disinfection that are based on acceptable standards of practice and consistent with:

(1) The policies and procedures adopted by its governing body pursuant to subsection 1 of section 11 of this regulation;

(2) The standards for the control of infection established by the director of the facility pursuant to subsection 1 of section 13 of this regulation;

(3) The standards developed by the Occupational Safety and Health Administration of the United States Department of Labor for the preparation, sterilization, disinfection and storage of such supplies and equipment; and

(4) When applicable, the manufacturer's guidelines for the use and maintenance of the equipment.

3. A nontransplant anatomical donation organization that does not sterilize or disinfect its own supplies and equipment shall provide a designated area in each facility operated by the organization for the preparation and storage of sterile supplies and equipment.

Sec. 17. *1. If the Division determines an investigation is in the best interest of the State, the Division may, upon receipt of a complaint against a nontransplant anatomical donation*

organization, except for a complaint concerning the cost of services, conduct an investigation into:

(a) The qualifications of personnel employed by the organization;

(b) The methods of operation of the organization;

(c) The recordkeeping practices of the organization;

(d) Any policies or procedures adopted by the organization; and

(e) Any other area determined necessary by the Division.

2. The Division shall report any violation noted at the time of an inspection by providing the director of the facility that is the subject of the complaint, or the director's designee, with a statement of each violation and a form on which the director must submit a plan of correction. The director must submit to the Division the plan of correction, which must contain the plan of correction for each violation, within 30 calendar days after receiving the form. The plan must indicate the date by which each violation will be corrected.

3. The Division may, as it determines is in the best interest of the State, suspend or revoke the certification of a nontransplant anatomical donation organization for failure to cooperate with an investigation conducted pursuant to subsection 1 or for failure to submit the plan of correction pursuant to subsection 2.

Sec. 18. *Each nontransplant anatomical donation organization shall, on or before January 1 and July 1 of each year, report to the Division the information required by subsection 1 of NRS 451.587, as amended by section 250 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3728, for the immediately preceding 6 months.*

HEALTH CARE PURCHASING AND COMPLIANCE DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
LCB File No. R184-24

Informational Statement per NRS 233B.066

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

The main purpose of the proposed regulation is to:

1) Move forward the regulations required by Senate Bill 387 passed in the 2019 legislative session to certify and regulate non-transplant anatomical donation organizations.

R184-24 addresses the following main topics:

- General certification application requirements.
- Initial certification application requirements.
- Renewal of certification requirements.
- Requirements for the governing body include policies and procedures for criteria for accepting anatomical material, screening and testing donors, monitoring the environment, monitoring equipment, and infection control.
- Requirements for the appointment of a facility director and medical director.
- Requirements for establishing a quality assurance performance improvement program.
- Requirements for maintaining a record of the donor and donations.
- Requirements for disposal of anatomical material.
- Requirements for sterilization and / or disinfection of reusable equipment / supplies.

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.

Below is a summary of how public comment was solicited and a summary of the public's response.

Notice was sent to all interested parties. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH/NVHA on July 9, 2024. The proposed regulations were also posted on the DPBH's website.

The questions on the questionnaire were:

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 effects upon your business?

Summary of Responses

Summary Of Comments Received (2 responses were received out of 3 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**
Yes = 1 No = 0	Yes = 0 No = 1	Yes = 0 No = 1	Yes = 0 No = 1
Yes, we are a small family operated business. As written, it is anticipated we may need an additional employee to fulfill the reporting requirements.	No	No	No

Number of Respondents out 3	**Adverse economic effect?**	**Beneficial effect?**	**Indirect adverse effects?**	**Indirect beneficial effects?**
2	Yes	No	No	No

Public Workshop – July 9, 2024

Below is a summary of the testimony provided by individuals during the public workshop. Several people provided information regarding the reason for the requirement to provide written evidence of any corrective action underway or completed by the applicant in response to any

recommendations made by the accrediting agency or body, including, without limitation, any progress report prepared by the applicant. This was removed from the regulations as the legislature removed the accreditation in favor of developing regulations.

Defining the quality improvement program committee to include a small organization, may have a small committee comprised of members established by the governing body.

Changing the wording of the quality improvement plan to policy as a plan could be unofficial, but a policy would need to be written and adopted.

Instead of providing the name and address of each person who possessed the anatomical material before the date on which the organization took possession of the anatomical material to change it to the name of the company from which the organization received the body. The organization cannot attest to the accuracy of earlier records; the organization should be able to track the record history of donated bodies as the company is required to keep detailed records.

Providing a precise definition of equipment.

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to Dorothy Sims, RN, HFIM, at the Division of Purchasing and Compliance at:

Health Care Purchasing and Compliance Division
Bureau of Health Care Quality and Compliance
500 E. Warm Springs Rd, Suite 200
Las Vegas, NV 89119
Dorothy Sims, RN
Phone: 702-486-6515
Email: dsims@nvha.nv.gov

Public Hearing – December 5, 2025

The Board of Health approved the proposed regulations.

1. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
   a) Name
   b) Telephone Number
   c) Business Address
   d) Business telephone number

e) Electronic mail address; and
f) Name of entity or organization represented

Public Workshop – July 9, 2024
Nine (9) individuals participated in the public workshop virtually. Two staff members participated in person, for a total of eleven (11) participants.

Three (3) individuals provided testimony during the public workshop.
1) Troy Farrell
2) Warren Hardy, Life Science Anatomical, warren@hardystrategies.com
3) Dan Musgrove, Strategies360, danm@strategies360.com

Public Hearing – December 5, 2025
The Nevada State Board of Health Carson City in person sign in sheet had six (6) individuals.
The Nevada State Board of Health Las Vegas in person sign in sheet had three (3) individuals.
The virtual attendance record noted 58 participants.
Total number of participants: 67

Note: As the Board of Health agenda included other agenda items in addition to the hearing on LCB File No. 184-24, it is possible that not all attendees were present for the hearing on LCB File No. R184-24.

4. A description of how comments were solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Health Care Purchasing and Compliance Division (Division of Public and Behavioral Health (DPBH) at the time) requested input from small businesses that may be affected by the proposed regulations.

Notice was sent to all interested parties. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH/NVHA on July 9, 2024. The proposed regulations were also posted on the DPBH's website.

The questions on the questionnaire were:
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 effects upon your business?

Summary of Responses

Summary Of Comments Received (2 responses were received out of 3 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**
Yes = 1 No = 0	Yes = 0 No = 1	Yes = 0 No = 1	Yes = 0 No = 1
Yes, we are a small family operated business. As written, it is anticipated we may need an additional employee to fulfill the reporting requirements.	No	No	No

Number of Respondents out 3	**Adverse economic effect?**	**Beneficial effect?**	**Indirect adverse effects?**	**Indirect beneficial effects?**
2	Yes	No	No	No

5. The regulation was adopted with no changes.

6. 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 the adverse and beneficial effects; and
(b) Both immediate and long-term effects.

Anticipated effects on the business which NRS Chapter 451 regulates:

Adverse: Direct adverse effects include licensure fees. A potential for adverse financial impact for those business found not to be in compliance with the section of Senate Bill 387 which indicates a person who engages in the activity of operating a nontransplant anatomical donation organization without being certified by the Division or who violates the standards and guidelines adopted by the State Board of Health would be guilty of a category C felony and shall be punished as provided in NRS 193.130 or by a fine of not more than $50,000 or both. A concern for the small businesses was regarding the proposed regulatory requirement for the organization to report on or before January 1 and July 1 of each year, the following information on the number and disposition of human bodies and parts procures by the nontransplant anatomical donation organizations for the immediately preceding 6 months.
Beneficial: The beneficial effects include businesses who operate a non-transplant anatomical donation organization would be certified and following regulatory requirements.
Immediate: The immediate effect would be the ability for nontransplant anatomical donation organizations to apply for certification.
Long-term: The long-term impacts would continue to be ongoing, renewal costs for continued certification.

Immediate: The financial impacts, both adverse and beneficial, would be immediate upon passage of the proposed regulations.

Long-term: The long-term impacts, both adverse and beneficial, would continue for the long-term until such time as the proposed regulations are amended in a manner that would change the impact.

Anticipated effects on the public:
Adverse: There are no adverse effects anticipated on the public.

Beneficial immediate and long-term: The beneficial effects may include standard requirements for the acquisition, distribution, and final disposition of anatomical materials.

Immediate: The beneficial impacts may not be realized immediately as the non-transplant anatomical donation organizations would need to apply and complete the survey process for initial certification.

Long-term: The beneficial impacts would include the standard requirements for the acquisition, distribution, and final disposition of anatomical materials.

7. The estimated cost to the agency for enforcement of the proposed regulation is $1,785 per organization. This includes the fee for the initial application and the certification survey.

8. 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, name the regulating federal agency.

The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

9. 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 do not overlap, duplicate, or are more stringent than any other federal regulations which regulate the same activity.

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

The total annual amount the Division expects to collect is unknown because there is no way to determine how many facilities will need to be certified.

The money would be used to cover the Division's operating costs related to the work associated with the certification process which would include application processing and inspection costs.

Information on the proposed changes to Nevada Administrative Code Chapter 451: Non-Anatomical Transplant Donations (LCB File No. R184-24I, previously R036-22P) including Small-Business Impact, Public Workshop and Public Hearing can be located at https://www.dpbh.nv.gov/regulatory/hcqc/state-of-nevada-health-facility-regulation-public-workshops/.

Joe Lombardo
Governor

Richard Whitley, MS
Director

DEPARTMENT OF
HEALTH AND HUMAN SERVICES

NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH

Cody Phinney, MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

SMALL BUSINESS IMPACT STATEMENT 2023

PROPOSED AMENDMENTS TO NAC Chapter 451

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have a negative impact upon a small business or prevent the formation, operation or expansion of a small business in Nevada.

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

This small business impact statement is made 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 regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

The proposed regulations are being moved forward as required by Senate Bill 387 of the 80th (2019) Session.

Section 1 of the bill, requires each nontransplant anatomical donation organization that procures a human body or part in Nevada shall be certified by the Division, follow the standards and guidelines established by the State Board of Health, and report to the Division, in a manner and frequency prescribed by the State Board of Health, the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization. The State Board of Health shall adopt regulations that establish standards and guidelines for nontransplant anatomical donation organizations which must be substantially based upon federal laws and regulations relating to the procurement of human bodies and parts. Adopt regulations necessary to carry out the provision of this section, including regulations that establish a fee for an application for issuance or renewal of a certification as a nontransplant anatomical donation organization. The Division shall collect and analyze information from each nontransplant anatomical donation organization in Nevada on the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organization and make such information available to the Governor and the Legislature upon request; and to monitor all nontransplant anatomical donation organizations in Nevada for compliance with federal and state laws and regulations. A person who engages in the activity of a nontransplant anatomical donation organization without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the State Board of Health is guilty of a Category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or both a fine and the punishment provided in NRS 193.130.

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.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from known parties expressing interest in the development of the regulations as required by Senate Bill 387. The Division of Public and Behavioral Health's website provided information on how the industry could provide their feedback on the proposed regulations and small business impact. The webpage included a copy of the draft regulations.

A Small Business Impact Questionnaire was sent to three interested parties along with a copy of the proposed regulation changes, on January 22, 2023, via email. The questions on the questionnaire were:

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?

Summary of Response

Summary Of Comments Received (2 responses were received out of 3 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	**Will the regulation (s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**
Yes = 1 No = 0	Yes = 0 No = 1	Yes = 0 No = 1	Yes = 0 No = 1
Yes, we are a small family operated business. As written, it is anticipated we may need an additional employee to fulfill the reporting requirements.	No	No	No

Number of Respondents out 3	**Adverse economic effect?**	**Beneficial effect?**	**Indirect adverse effects?**	**Indirect beneficial effects?**
2	Yes	No	No	No

2) Describe the manner in which the analysis was conducted.

A health program manager reviewed the requirements of Senate Bill 387 of the 80th (2019) legislative session, the proposed regulations, and the small business impact questionnaire responses to determine the impact on small businesses. The proposed regulations carry out the requirement the Division adopt regulations for a nontransplant anatomical donation organization to become certified by the Division, follow the standards and guidelines adopted by the State Board of Health and for the nontransplant anatomical donation organization to report to the Division, in a manner and frequency prescribed by the State Board of Health, the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization.

The proposed regulations and the provisions of Section 1 were then analyzed along with the feedback received from the industry to complete the small business impact statement.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

Adverse effects – The overall adverse financial effects are anticipated to negatively impact most small businesses, with the potential for an adverse financial impact on small businesses that are found not to be in compliance with the section of the Senate Bill 387 which indicates a person who engages in the activity of operating a nontransplant anatomical donation organization without being certified by the Division or who violates the standards and guidelines adopted by the State Board of Health would be guilty of a category C felony and shall be punished as provided in NRS 193.130 or by a fine of not more than $50,000 or both.

The main concern for the small business who responded to the questionnaire was regarding the reporting requirement. The proposed regulations would require the organization to report on or before January 1 and July 1 of each, the following information the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organizations for the immediately preceding 6 months.

There were no indirect adverse effects identified.

There were no beneficial effects identified.

There were no indirect beneficial effects identified.

4) Provide 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 Division of Public and Behavioral Health has reviewed the responses from the small business impact questionnaire. The main concern for a negative financial impact was the need for the business to hire a person to handle the reporting of the number and disposition of human bodies or parts procured by the organization. The Division reviewed the information related to the financial impact and identified no solutions to mitigate the impact to the small business.

The Division of Public and Behavioral Health has held several opportunities for providers to provide input and comments regarding the proposed non-transplant anatomical donation organization regulations, including the economic impact the proposed regulations may have on providers with less than 100 employees. Modifications to the proposed regulations have been made as a result of this input. A workshop will be held on July 9, 2024 allowing for further input by providers regarding the proposed regulations and how they will impact their business. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no estimated cost to the agency for enforcement of the proposed regulation.

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

The proposed regulations provide an initial certification fee of $1,785 and a renewal fee for the certification of $892.50 every two years.

The total annual amount DPBH expects to collect will be $7140 for initial certifications and $3570 for renewal certifications every two years, DPBH anticipates approximately four providers to become certified. The money will be used to process provider applications, conduct initial and renewal surveys and any complaint surveys.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are no current state provisions regulating non-transplant anatomical donation organization in Nevada.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The concern of a small business needing to hire an additional employee to fulfill the reporting requirements has been taken under consideration. The reporting requirements to the Division on the number and disposition of human bodies and parts procured by the business so the Division could collect and analyze the information is written in the statute. The Division identified submitting the information twice a year would allow for better collection and analysis of the data to make the information available to the Governor or Legislature upon request.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Dorothy Sims, Health Facilities Inspection Manager - RN at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Dorothy Sims, Health Facilities Inspection Manager - RN
Phone: (702) 486-6515
Email: dsims@health.nv.gov

Certification by Person Responsible for the Agency

I, Cody Phinney, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature Cody L Phinney Date: 2/26/2024

ADOPTED REGULATION OF THE

ADMINISTRATOR OF THE HOUSING DIVISION OF THE

DEPARTMENT OF BUSINESS AND INDUSTRY

LCB File No. R195-24

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

AUTHORITY: § 1, NRS 319.169; §§ 2, 5 and 23, NRS 489.231; § 3, NRS 489.231 and 489.325; § 4, NRS 489.231 and 489.343; §§ 6 and 8-21, NRS 489.231 and 489.285; § 7, NRS 489.231 and 489.261; § 22, NRS 489.231, 489.336 and 489.481.

A REGULATION relating to housing; authorizing the Housing Division of the Department of Business and Industry to use money in the Account for Housing Inspection and Compliance for certain purposes; providing that a license as a specialty serviceperson becomes immediately inactive upon the revocation, suspension or placement on inactive status of a license issued by the State Contractors' Board; establishing certain requirements relating the transfer of ownership or control of certain entities doing business as a manufacturer, dealer, distributor, general serviceperson or specialty serviceperson in this State; authorizing a designee of the Administrator of the Division to effect certain powers and duties of the Administrator; revising the method by which certain notices are provided by the Administrator; revising provisions relating to continuing education; revising provisions relating to applications for limited lien resale licenses; repealing a requirement for certain licensees to carry an identification card during working hours; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Housing Inspection and Compliance in the State General Fund and requires the Administrator of the Housing Division of the Department of Business and Industry to adopt regulations setting forth the use of the money in the Account. (NRS 319.169) **Section 1** of this regulation sets forth certain authorized uses for money in the Account.

Existing law authorizes the Administrator to adopt regulations which provide for the licensing of specialty servicepersons. (NRS 489.325) Existing regulations require an applicant for such a license to submit to the Division an application on a form provided by the Division and proof that the applicant holds a license issued by the State Contractors' Board which indicates proficiency in the category of license for which he or she is applying to the Division. (NAC 489.311) If the holder of a license as a specialty serviceperson has his or her license issued by the Board revoked, suspended or placed on inactive status, **section 3** of this regulation: (1) provides that his or her license as a specialty serviceperson becomes inactive immediately; and (2) requires the person to provide notice of the revocation, suspension or change in status to the

Division within 5 business days. **Section 3** prohibits the Division from placing a license as a specialty serviceperson that has become inactive under such circumstances on active status unless the holder of the license submits proof that his or her license issued by the Board has been reinstated or placed on active status.

Existing law requires every partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company doing business as a manufacturer, dealer, distributor, general serviceperson or specialty serviceperson in this State, as well as every corporation doing business as such an entity in this State, to designate one of its members or officers, as appropriate, to submit an application for a manufacturer's, dealer's, distributor's general serviceperson's or specialty serviceperson's license. (NRS 489.343) **Section 4** of this regulation requires, if such an entity transfers control or ownership of the business to another person: (1) the designated member or corporate officer of the business to whom the license is issued to submit notice of the transfer to the Division within 30 days; and (2) the person to whom control or ownership was transferred to submit such an application for a manufacturer's, dealer's, distributor's, general serviceperson's or specialty serviceperson's license, as applicable.

Existing regulations set forth certain powers and duties of the Administrator relating to the approval of certain applications and the oversight of continuing education requirements. (NAC 489.183, 489.303, 489.470, 489.610-489.662) **Sections 5-21** of this regulation provide that such powers and duties may be exercised by a designee of the Administrator.

Existing law requires the Division to adopt regulations concerning continuing education requirements for dealers, distributors, general servicepersons, specialty servicepersons, responsible managing employees and salespersons that must include criteria for approving educational and training programs. (NRS 489.285) **Section 11** revises the information that is required in an application for approval as an instructor or sponsor or a course of continuing education and provides that the Administrator or his or her designee will provide certain notice of the approval or denial of such an application by electronic, rather than certified, mail. **Section 14** similarly revises certain notice requirements relating to the withdrawal of approval of an instructor, sponsor or course by requiring the Administrator or his or her designee to send such notice by electronic, rather than certified, mail.

With certain exceptions, existing regulations prohibit the Administrator from approving an instructor for a course unless he or she is of good moral character and: (1) holds a bachelor's degree or graduate degree in the area of instruction; (2) teaches at a college or university within the Nevada System of Higher Education or any other accredited college or university in the area of instruction; (3) is approved by the Real Estate Division of the Department to teach courses relating to real estate; or (4) has at least 5 years of full-time experience, other than clerical experience, in the area of instruction. (NAC 489.628) **Section 12** revises this prohibition to instead require only that the instructor has at least 5 years of full-time experience, other than clerical experience, in the area of instruction.

Existing law requires the Division to adopt regulations for the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home if certain requirements are met. (NRS 489.336) Existing regulations require a landlord or manager of a mobile home park that wishes to sell a used mobile home or manufactured home acquired under certain circumstances to obtain a limited lien resale license from the Division. Existing regulations further require such an applicant to submit a copy of the state business license issued for the mobile home park where the used mobile home or manufactured home to which the

limited lien resale license will apply is located: (1) with a completed application, unless the applicant has previously submitted an application for such a license within 2 years; and (2) if the landlord of the mobile home park changes the name or address of the mobile home park. (NAC 489.775) **Section 22** of this regulation removes the: (1) requirement to submit such a copy if the name or address of the mobile home park changes; and (2) 2-year exception from the requirement to submit a copy of the state business license with a completed application.

Section 23 of this regulation repeals a requirement that certain licensees who reconstruct, service or install manufactured homes, mobile homes or commercial coaches carry, during working hours, the identification card issued by the Division. (NAC 489.342)

Section 1. Chapter 319 of NAC is hereby amended by adding thereto a new section to read as follows:

The Division may use the money in the Account for Housing Inspection and Compliance created by NRS 319.169 for costs incurred by the Division related to:

1. Issuing licenses for:

(a) Manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or manufactured home parks pursuant to chapters 118B, 461, 461A and 489 of NRS; and

(b) Manufacturers, general servicepersons, dealers, responsible managing employees, salespersons, distributors and specialty servicepersons pursuant to chapter 489 of NRS.

2. Regulating:

(a) Housing for persons of low-income that is financed pursuant to chapter 319 of NRS;

(b) Manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or manufactured home parks pursuant to chapters 118B, 461, 461A and 489 of NRS; or

(c) Manufacturers, general servicepersons, dealers, responsible managing employees, salespersons, distributors and specialty servicepersons pursuant to chapter 489 of NRS.

3. Maintaining title records and issuing certificates of title, property liens and conversions to real property of a mobile home or manufactured home.

4. Investigating complaints, including, without limitation, a complaint between a landlord and a tenant of a mobile home park or a complaint alleging unlicensed activity over which the Division has authority pursuant to chapters 118B, 461, 461A or 489 of NRS.

5. Administrating an educational and training program for a provider of manufactured housing.

6. Purchasing vehicles for the purpose of carrying out the duties of the Division set forth in chapters 118B, 461, 461A and 489 of NRS.

7. Any other purpose described in NRS 319.169 or otherwise authorized by specific statute.

Sec. 2. Chapter 489 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. *1. If a person who holds a license as a specialty serviceperson has his or her license issued by the State Contractors' Board revoked, suspended or placed on inactive status:*

(a) His or her license as a specialty serviceperson becomes inactive immediately; and

(b) He or she must provide notice to the Division within 5 business days of the revocation, suspension or change of status of the license issued by the State Contractors' Board.

2. The Division will not place a license as a specialty serviceperson that has become inactive pursuant to subsection 1 on active status unless the holder of the license submits to the Division proof that his or her license issued by the State Contractors' Board has been reinstated or placed on active status.

3. Any service provided during a period in which a license as a specialty serviceperson is inactive pursuant this section constitutes grounds for disciplinary action.

Sec. 4. *Except as otherwise provided in NAC 489.331, if a partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company or a corporation doing business as a manufacturer, dealer, distributor, general serviceperson or specialty serviceperson transfers control or ownership of the business to another person:*

1. The designated member or corporate officer of the business to whom the license is issued must submit notice of the transfer to the Division within 30 days after the transfer; and

2. The person to whom control or ownership was transferred must submit an application for a license as a manufacturer, dealer, distributor, general serviceperson or specialty serviceperson, as applicable, pursuant to NRS 489.343.

Sec. 5. NAC 489.183 is hereby amended to read as follows:

489.183 For the purposes of obtaining the approval of the Administrator *or his or her designee* for a system of construction or a plan for a model of a commercial coach, a manufacturer of commercial coaches shall be deemed a manufacturer of manufactured buildings subject to the requirements set forth in NAC 461.050, 461.100 to 461.200, inclusive, 461.207 and 461.300 to 461.380, inclusive.

Sec. 6. NAC 489.303 is hereby amended to read as follows:

489.303 The holder of a dealer's, distributor's, general serviceperson's, specialty serviceperson's, responsible managing employee's or salesperson's license issued by the Division pursuant to chapter 489 of NRS may submit a written petition to the Administrator *or his or her designee* for an extension of time in which to comply with the requirements for

continuing education set forth in NRS 489.323. The Administrator ***or his or her designee*** may grant an extension if he or she finds that the holder of the license has a severe hardship resulting from circumstances beyond the holder's control which have prevented him or her from complying with the requirements.

Sec. 7. NAC 489.470 is hereby amended to read as follows:

489.470 1. A person shall not attach a structure to a manufactured home or mobile home unless:

(a) The structure is an awning, carport, steps or porch that is constructed of a light-weight metallic material;

(b) The attachment complies with all applicable technical codes; and

(c) The person first obtains the approval of the Division.

2. An application for approval of the attachment must be accompanied by one copy of the plan for the attachment. The Administrator ***or his or her designee*** will keep a copy of the plan for at least 2 years after it is submitted to him or her. The Administrator ***or his or her designee*** will approve or deny the application within 15 days after receiving it.

3. Any structural element of an attached awning, carport, porch or steps must be constructed or installed in accordance with the plan approved by the Division.

Sec. 8. NAC 489.618 is hereby amended to read as follows:

489.618 "Instructor" means a person approved by the Administrator ***or his or her designee*** to teach a course.

Sec. 9. NAC 489.622 is hereby amended to read as follows:

489.622 "Sponsor" means any person, business, school or organization which is approved by the Administrator ***or his or her designee*** to act as surety for an approved instructor of a course.

Sec. 10. NAC 489.624 is hereby amended to read as follows:

489.624 1. A person shall not:

(a) Offer or teach a course unless the course and the instructor have first been approved by the Administrator ~~[;]~~ ***or his or her designee;*** or

(b) Hold himself or herself out as a sponsor unless the person has first been approved by the Administrator ~~[.]~~ ***or his or her designee.***

2. A person who applies for approval as an instructor or sponsor or for approval of a course must submit an application to the Administrator ***or his or her designee*** on a form provided by the Division.

Sec. 11. NAC 489.626 is hereby amended to read as follows:

489.626 1. An application for approval of a sponsor, instructor or course must include:

(a) The name and address of the person, business, school or organization offering the course;

(b) The type of business, school or organization;

(c) The name of the owner of the business, school or organization and the name and address of each director, principal, officer and any other person who has a financial interest in that business, school or organization;

(d) The name and resume of the instructor of the course;

(e) An outline of the course;

(f) ~~[The amount of time allocated for each subject included in the course;~~

~~(g) The title, author and publisher of each textbook, if any, required for the course;~~

~~(h)]~~ A copy of the form that will be used to evaluate the course upon its conclusion;

~~[(i)]~~ ***and***

(g) A statement of:

(1) The purpose of the course; ***and***

(2) ~~[The fee for the course;~~

~~(3) The number of examinations, if any;~~

~~(4) The grading system, if any, including the method of testing and standards of grading;~~

~~(5) The requirements for]~~ ***How*** attendance ~~[; and~~

~~(6) The location where records of the students]~~ will be ~~[maintained; and~~

~~(j) A copy of each examination, if any,]~~ ***recorded*** for the course ***.*** ~~[and the correct answer for each question.]~~

2. The Administrator ***or his or her designee*** will, within 30 days after receiving an application, approve or deny it and give written notice of his or her decision to the applicant by ~~[certified]~~ ***electronic*** mail. If the application is approved, the Administrator ***or his or her designee*** will include in the written notice an identification number for the course.

Sec. 12. NAC 489.628 is hereby amended to read as follows:

489.628 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Administrator ***or his or her designee*** will not approve an instructor for a course unless he or she ~~[is of good moral character and, except as otherwise provided in subsection 2:~~

~~(a) Holds a bachelor's degree or graduate degree in the area of instruction;~~

~~(b) Teaches at a college or university within the Nevada System of Higher Education or any other accredited college or university in the area of instruction;~~

~~(c) Is approved by the Real Estate Division of the Department to teach courses relating to real estate; or~~

~~(d) Has~~] ***has*** at least 5 years of full-time experience, other than clerical experience, in the area of instruction.

2. The Administrator ***or his or her designee*** may approve an employee of the Division or any other person as an instructor of a course if the Administrator ***or his or her designee*** is satisfied that he or she has the knowledge and experience required to teach that course.

Sec. 13. NAC 489.630 is hereby amended to read as follows:

489.630 The Administrator ***or his or her designee*** will consider, without limitation, the following criteria in determining whether to approve a course:

1. Whether the course consists of at least 4 hours of instruction.

2. The willingness of the sponsor or instructor of the course to certify to the attendance of persons at the course.

3. The willingness of the sponsor or instructor of the course to maintain for 5 years a record of attendance which contains:

(a) The name, address and number of the student's license issued by the Division;

(b) The name of the instructor of the course;

(c) The title and description of the course; and

(d) The hours of instruction attended and dates of attendance.

4. The willingness of the sponsor of the course to ensure that an approved instructor will preside throughout the course.

5. If the course is offered by correspondence or videotape, whether the sponsor will:

(a) Administer an open-book final examination;

(b) Administer at least one examination or evaluation during the course in addition to the final examination; and

(c) Establish a policy for retaking an examination which a student fails.

6. If a course is presented by videotape, whether the sponsor will provide an instructor approved by the Administrator ***or his or her designee*** at the place where the course is offered.

7. If the sponsor or instructor of the course is licensed by the Division, whether his or her license is in good standing, as determined by the Administrator ~~[.]~~ ***or his or her designee.***

Sec. 14. NAC 489.644 is hereby amended to read as follows:

489.644 1. The Administrator ***or his or her designee*** may withdraw his or her approval of an instructor, sponsor or course if the Administrator finds that:

(a) The quality of the instruction is unsatisfactory; or

(b) The instructor or sponsor has violated any of the provisions of NAC 489.610 to 489.662, inclusive.

2. If the Administrator ***or his or her designee*** withdraws his or her approval of an instructor, sponsor or course, the Administrator ***or his or her designee*** will send, by ~~[certified]~~ ***electronic*** mail, a written notice to the instructor or sponsor. The notice will include the reason for the withdrawal of approval.

3. The instructor or sponsor may request a hearing if he or she sends a written request for a hearing to the Administrator within 20 days after receiving the notice from the Administrator ~~[.]~~ ***or his or her designee.***

4. The Administrator will hold the hearing within 45 days after the request for a hearing is submitted to the Administrator.

5. The Administrator will, within 20 days after the hearing, send, by ~~[certified]~~ ***electronic*** mail, written notice of his or her decision to the instructor or sponsor.

6. The decision of the Administrator is a final decision for the purpose of judicial review.

Sec. 15. NAC 489.646 is hereby amended to read as follows:

489.646 Each sponsor or instructor who is approved by the Administrator ***or his or her designee*** shall:

1. Maintain a record of each student's attendance and completion of the course for 5 years after the course is offered.

2. Make the records described in subsection 1 available for inspection by the Division.

3. Within 15 days after the occurrence of any change in the information included in his or her application, notify the Division, in writing, of that change.

4. Provide, upon the request of a student, proof of attendance and a copy of his or her certificate of completion.

5. Send written notice to the Administrator ***or his or her designee*** at least 30 days before the course is offered. The notice must include the identification number for the course assigned by the Division and the date, time and location of the course.

Sec. 16. NAC 489.648 is hereby amended to read as follows:

489.648 A sponsor or instructor who offers a course by correspondence or videotape shall require each student to:

1. Take an open-book final examination with a proctor present at a location as designated by the sponsor in its application for approval filed with the Administrator ~~[;]~~ ***or his or her designee;***

2. Take at least one examination during the course in addition to the final examination;

3. Prove his or her identity before the student is allowed to take any examination; and

4. Complete the course within the period required by the Administrator ~~[.]~~ ***or his or her designee.***

Sec. 17. NAC 489.652 is hereby amended to read as follows:

489.652 A sponsor shall not employ a person as an instructor of a course unless the person and the course have first been approved by the Administrator ~~[.]~~ ***or his or her designee.***

Sec. 18. NAC 489.654 is hereby amended to read as follows:

489.654 An organization which offers a course approved by the Administrator ***or his or her designee*** shall not restrict enrollment in the course solely to members of that organization.

Sec. 19. NAC 489.656 is hereby amended to read as follows:

489.656 1. An instructor or sponsor shall not make any misrepresentation in the advertisement of any course offered pursuant to NAC 489.610 to 489.662, inclusive.

2. Each advertisement or form for registration for a course must include:

(a) A statement that the course, instructor and, if applicable, sponsor are approved by the Administrator ~~[,]~~ ***or his or her designee;***

(b) The number of hours of credit for the course;

(c) The identification number for the course assigned by the Division; and

(d) Information concerning the cancellation of the course and the refunding of the fee for the course.

Sec. 20. NAC 489.658 is hereby amended to read as follows:

489.658 Each course approved by the Administrator ***or his or her designee*** must include in the materials required for the course:

1. A statement that the course is approved by the Administrator ~~[,]~~ ***or his or her designee;***

2. A statement of the number of hours of credit for the course; and

3. The identification number for the course assigned by the Division.

Sec. 21. NAC 489.662 is hereby amended to read as follows:

489.662 1. An instructor approved by the Administrator ***or his or her designee*** shall not issue a certificate of completion to any student who has not attended the required number of hours of instruction for the course.

2. As used in this section, "hour of instruction" means 50 minutes of instruction or more.

Sec. 22. NAC 489.775 is hereby amended to read as follows:

489.775 ~~[1.]~~ Before a landlord or manager of a mobile home park may sell a used mobile home or manufactured home acquired at a sale to enforce a lien pursuant to NRS 108.265 to 108.367, inclusive, or acquired through a voluntary surrender by the owner of the mobile home or manufactured home, the landlord or manager must obtain a limited lien resale license from the Division. The license may be obtained by applying to the Division on a form supplied by the Division. ~~[Except as otherwise provided in this section, in]~~ ***In*** addition to completing the application, the applicant must submit with the application:

~~[(a)]~~ ***1.*** A fee of $50;

~~[(b)]~~ ***2.*** A copy of the state business license issued for the mobile home park where the used mobile home or manufactured home to which the limited lien resale license will apply is located; and

~~[(c)]~~ ***3.*** An affidavit stating that the applicant:

~~[(1)]~~ ***(a)*** Owns or leases the mobile home park, if the applicant is the landlord of the mobile home park; or

~~[(2)]~~ ***(b)*** Is an employee of the landlord and has the written permission of the landlord to sell the used mobile home or manufactured home, if the applicant is the manager of the mobile home park.

~~[2. Except as otherwise provided in subsection 3, an applicant who submits an application for a limited lien resale license to the Division within 2 years after submitting a previous application for such a license is not required to submit a copy of the state business license for the manufactured home park where the used mobile home or manufactured home to which the limited lien resale license will apply is located.~~

~~3. If a landlord or manager of a mobile home park has applied for or holds a limited lien resale license and the landlord of the mobile home park changes the name or address of the mobile home park, the landlord or manager shall submit to the Division a copy of the business license which indicates the new name or address of the mobile home park not later than 10 days after the local government issues such a business license.]~~

Sec. 23. NAC 489.342 is hereby repealed.

TEXT OF REPEALED SECTION

489.342 Possession of identification card. (NRS 489.231) A person licensed pursuant to the provisions of chapter 489 of NRS who reconstructs, services or installs manufactured homes,

mobile homes or commercial coaches shall carry upon his or her person, during working hours, the identification card issued to the person by the Division.

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

STEVE AICHROTH
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
HOUSING DIVISION

INFORMATIONAL STATEMENT
LCB File No. R195-24

The following informational statement is provided pursuant to NRS 233B.066

(a) A clear and concise explanation of the need for the adopted regulation.
Update the year of the codes and standards for manufactured homes, mobile homes, commercial coaches and accessory structures, set forth the uses of the money in the Account for Housing Inspection and Compliance, authorize the Administrator's designee to complete certain administrative tasks, provide that a specialty serviceperson's license becomes inactive immediately upon the revocation, suspension, or inactivation of the underlying State Contractors' Board's license, and requiring certain entities to provide notice to the Division of any transfer of control or ownership in the entity.

(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.
Public comment was solicited at a workshop and the public hearing. The Administrator and staff discussed the changes internally and with Division counsel. The interested parties were agreeable to the regulation and had no additional comments. Persons interested may contact Doug Smith doug.smith@housing.nv.gov or 702-486-7259.

(c) The number of persons who:
- **(1) Attended each hearing: 2**
- **(2) Testified at each hearing: 0**
- **(3) Submitted to the agency written statements: 0**

(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 (2) telephone number; (3) business address; (4) business telephone number; electronic mail; name of organization.
Not applicable.

(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.
The manner in which the analysis was conducted was through reviewing and discussing of the draft regulation with Division staff, Division leadership, and the Division's attorney.

(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.
The regulation was adopted with no changes because no changes were requested or required.

(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:

(1) Both adverse and beneficial effects:
There are no adverse effects of this regulation on the businesses it regulates nor on the public.

Beneficial effects: This will allow the Division to update the codes and standards for the various types of manufactured homes and other structures it inspects, it will allow the Division to clearly set forth the uses of money in the Account for Housing Inspection and Compliance, it will allow designees of the Administrator to complete certain administrative tasks, it will allow the Division to monitor transfers in ownership of business to better protect the public and it will allow the Division to monitor licenses of specialty servicespersons.

(2) Both immediate and long-term effects:
Immediate effects: This will allow the Division to update the codes and standards for the various types of manufactured homes and other structures it inspects, it will allow the Division to clearly set forth the uses of money in the Account for Housing Inspection and Compliance, it will allow designees of the Administrator to complete certain administrative tasks, it will allow the Division to monitor transfers in ownership of business to better protect the public and it will allow the Division to monitor licenses of specialty servicespersons.

Long-term effects: The Division will more efficiently protect the public.

(h) The estimated cost to the agency for enforcement of the proposed regulation.
No cost to the Division.

(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 overlap or duplicate any regulation of other state or local governmental entities. The Division is not aware of any proposed provisions which are more stringent than a federal regulation that regulates 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.
This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.

(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.

No fees are created or increased.

By: _____

Steve Aichroth, Administrator

Carson City: 1830 E. College Parkway, Suite 120 Carson City, Nevada 89706 - Telephone (775) 684-2940 - Fax (775) 684-2949

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STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

STEVE AICHROTH
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
HOUSING DIVISION

Small Business Impact Statement

The Nevada Housing Division of the Department of Business & Industry has proposed changes to the Nevada Administrative Code (NAC) chapters 319 and 489 regarding the various changes to the adopted codes, continuing education, use of money from the Account for Housing Inspection and Compliance and other changes to NAC 489.

The purpose of the proposed changes to the regulations is to:

1. Update the year of the codes and standards for manufactured homes, mobile homes, commercial coaches and accessory structures, set forth the uses of the money in the Account for Housing Inspection and Compliance, authorize the Administrator's designee to complete certain administrative tasks, provide that a specialty serviceperson's license becomes inactive immediately upon the revocation, suspension, or inactivation of the underlying State Contractors' Board's license, and requiring certain entities to provide notice to the Division of any transfer of control or ownership in the entity.

The Division made a concerted effort to determine whether the regulation is likely to "[i]mpose a direct and significant economic burden upon a small business" or "[d]irectly restrict the formation, operation or expansion of a small business." NRS 233B.0608(1). The Division concluded the regulation would not cause these negative impacts or effects, after consultation with internal staff and the Division's Legal Counsel. While the Division determined that no Small Business Impact Statement (SBIS) was required, the Division is submitting the following information to reflect how it might respond if a SBIS were determined required.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

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.

No affected small businesses are impacted by this regulation.

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing of the draft regulation with Division staff, Division leadership, and the Division's attorney

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

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public.

Beneficial effects: This will allow the Division to update the codes and standards for the various types of manufactured homes and other structures it inspects, it will allow the Division to clearly set forth the uses of money in the Account for Housing Inspection and Compliance, it will allow designees of the Administrator to complete certain administrative tasks, it will allow the Division to monitor transfers in ownership of business to better protect the public and it will allow the Division to monitor licenses of specialty servicespersons.

Immediate effects: This will allow the Division to update the codes and standards for the various types of manufactured homes and other structures it inspects, it will allow the Division to clearly set forth the uses of money in the Account for Housing Inspection and Compliance, it will allow designees of the Administrator to complete certain administrative tasks, it will allow the Division to monitor transfers in ownership of business to better protect the public and it will allow the Division to monitor licenses of specialty servicespersons.

Long-term effects: The Division will more efficiently protect the public.

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 methods the agency considered to reduce the impact of the proposed regulation on small businesses were via discussions with the Division staff and its legal counsel.

The agency did actually use these methods to formulate this approach and to confirm its probable impact of reduced costs and reduced labor.

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

There is no cost to the Division for the 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.

No fees are imposed nor increased by this regulation.

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.

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities. The regulations, even after these proposed regulation changes are adopted, will not overlap and duplicate parts of a federal regulation. The Division is not aware of any proposed provisions which are more stringent than a federal regulation that regulates the same activity.

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

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of a review of the statutes, draft regulation and discussion among Division staff and legal counsel.

As the Administrator who is responsible for the agency I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,
NEVADA HOUSING DIVISION

Steve Aichroth

Digitally signed by: Steve Aichroth
DN: CN = Steve Aichroth email = saichroth@housing.nv.gov C = AD O = Housing Division OU = Administrator
Date: 2024.10.14 10:25:06 -07'00'

Steve Aichroth
Administrator
Nevada Housing Division
Department of Business & Industry
1830 E. College Parkway, Suite 200
Carson City, NV 89706

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R196-24

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

AUTHORITY: §§ 1-3, NRS 385.080 and 388.159; § 4, NRS 385.080 and 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395.

A REGULATION relating to education; repealing provisions approving certain assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Education to adopt regulations as necessary for the execution of its powers and duties. (NRS 385.080) Before the enactment of Senate Bill No. 460 (S.B. 460) of the 2025 Legislative Session, existing law required the board of trustees of a school district and the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school, and, in relevant part, required that the plan include procedures to assess the proficiency of a pupil in reading by using assessments approved by the State Board. (NRS 388.157, as that section existed before July 1, 2025) Existing regulations set forth the assessments approved by the State Board for this purpose. (NAC 388.660)

S.B. 460 removed the requirement that such assessments be approved by the State Board, thereby authorizing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. Additionally, S.B. 460 authorizes the Department of Education to prescribe the assessment which must be used in a school district or charter school if an assessment was not included in the plan. (NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395)

Section 4 of this regulation repeals the provisions concerning the assessments approved by the State Board. **Sections 1-3** of this regulation make conforming changes to reflect the repeal of the provisions in **section 4**.

Section 1. NAC 388.662 is hereby amended to read as follows:

388.662 A literacy specialist shall complete training or professional development concerning:

1. The standards of content and performance for English language arts for all grades at an elementary school;

2. The current Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge on the Internet website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the literacy specialist is employed to improve the literacy of pupils as required by NRS 388.157 ~~[;]~~ ***, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

3. Evidence-based instructional resources and methods for instruction and intervention in literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS 388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;

5. Using the assessments ~~[approved by the State Board in NAC 388.660;]~~ ***administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

6. Methods for using diagnostic and progress monitoring assessments;

7. Guiding teachers in data analysis and data-based decision making to inform instruction;

8. National standards for coaching teachers in literacy instruction, including, without limitation, methods for effectively delivering and receiving feedback; and

9. Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.

Sec. 2. NAC 388.664 is hereby amended to read as follows:

388.664 A teacher who is employed by a school district or charter school to teach elementary school pupils shall complete professional development provided by a literacy specialist concerning:

1. The standards of content and performance for English language arts for all grades at an elementary school;

2. The current Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge on the Internet website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the teacher is employed to improve the literacy of pupils as required by NRS 388.157 ~~[,]~~ ***, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

3. Evidence-based instructional resources and methods for instruction and intervention in literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS

388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;

5. Using the assessments ~~[approved by the State Board in NAC 388.660;]~~ ***administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

6. Methods for using diagnostic and progress-monitoring assessments;

7. Application of data analysis and data-based decision-making strategies to inform instruction;

8. Collaborative practices that focus on pupil learning by effectively participating in professional learning or coaching; and

9. Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.

Sec. 3. NAC 388.666 is hereby amended to read as follows:

388.666 A literacy specialist shall:

1. Demonstrate leadership in instruction, intervention, assessment, professional learning and family engagement relating to literacy as outlined in a plan to improve the literacy of pupils as required by NRS 388.157 ~~[,]~~ ***, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

2. Assist teachers at the school where the literacy specialist is employed by implementing a system of support which includes, without limitation, various methods to provide literacy instruction, intervention services and intensive instruction for pupils who have been identified as

deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations;

3. Support teachers in establishing plans to monitor the growth and increase the proficiency of pupils in reading by regularly assessing the growth of pupils in any area of deficiency in reading, including, without limitation, reading below grade-level expectations;

4. Collaborate with the principal of the elementary school where the literacy specialist is employed to develop a schedule of the professional development prescribed by NAC 388.664 for teachers and assist in providing such professional development;

5. Provide any necessary additional instruction to teachers and administrators concerning the assessments ~~[approved in NAC 388.660;]~~ ***administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;***

6. Provide instruction and support for the parents and guardians of pupils who have been identified as deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations; and

7. Assist teachers and administrators in analyzing pupil data and the effectiveness of intervention services and intensive instruction to make strategic and ongoing instructional decisions.

Sec. 4. NAC 388.660 is hereby repealed.

TEXT OF REPEALED SECTION

388.660 Approved assessments for assessing pupil's proficiency in subject area of reading. (NRS 385.080, 388.157) For the 2017-2018 school year and each school year thereafter, the State Board hereby approves the following as assessments for assessing a pupil's proficiency in the subject area of reading:

1. The Brigance Early Childhood Screen III: K & 1 published by Curriculum Associates; and

2. The Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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STATE BOARD OF EDUCATION

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December 15, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation will create vital clarity regarding assessments for assessing a pupil's proficiency in the subject area of reading.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0 ; Hearing: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 10/10/24 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation with the same language on November 12, 2025. No changes were requested and it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

December 10, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #220, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Dual Credit Request: Washoe County School District (WCSD), in partnership with Great Basin College (GBC), Truckee Meadows Community College (TMCC), the University of Nevada Las Vegas (UNLV), the University of Nevada Reno (UNR) and Western Nevada College (WNC)
    b. Possible Approval of Private School Licensing: New Application and Renewal Licenses
    c. Possible Approval of State Board of Education Meeting Minutes, November 12, 2025

7. **Information and Discussion Pursuant to NRS 385.040 Focusing on the State Goals and Benchmarks for Improving Student Achievement** *(Information and Discussion)*
   Pursuant to NRS 385.040(2), the Board has invited key stakeholders from across Nevada's public education system, including district superintendents and board presidents, representatives from charter and university schools for profoundly gifted pupils, and the chairs of relevant boards, commissions, and councils. This meeting provides an opportunity for participants to share updates, accomplishments, and insights, and to strengthen collaboration across the statewide education system.
    - Dr. Katherine Dockweiler, President, Nevada State Board of Education

8. **10:00 A.M. Public Hearing and Possible Adoption of LCB File No. R131-22 – Residential Treatment Centers Regulation** *(Information, Discussion, and for Possible Action)*
   The Nevada State Board of Education will hold a public hearing to receive comment and consider adoption of LCB File No. R131-22, which updates NAC Chapter 388 to align with Senate Bills 210 (2021) and 81 (2025). The proposed regulation outlines procedures for educating K–12 students placed in psychiatric hospitals or residential treatment facilities, clarifies the responsibilities of schools and treatment centers in developing and monitoring education and discharge plans, and establishes requirements related to eligibility for State reimbursement of educational services. The changes aim to ensure continuity of education and compliance with state and federal laws for students receiving treatment in residential settings.
    - Christy McGill, Deputy Superintendent for Educator Effectiveness and Family Engagement
    - Candace Bortolin, Education Programs Professional

9. **Information, Discussion, and Possible Action Regarding an Appointment to the Board of the Education Service Center** *(Information, Discussion, and Possible Action)*
   The Board will receive information regarding the Education Service Center (Center), established by the 83rd Nevada Legislature through SB 460, Section 56.5. The presentation will include an update on the Center's activities, a review of the Board's composition, and a request for the State Board of Education to appoint one of its elected members to serve on the Center's Board.
    - Dr. Steve Canavero, Executive Director, Nevada Education Service Center

10. Information and Discussion Regarding Multi-Tiered Systems of Support and Collaboration with Districts to improve Discipline Data *(Information and Discussion)*

The Board will hear a presentation and receive an update regarding the application of MTSS to improve statewide student discipline data.

- Christy McGill, Deputy Superintendent for Educator Effectiveness and Family Engagement
- LaNesha Battle, Education Programs Director
- Lexi Kovalovich, Education Program Professional

11. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

12. Future Agenda Items Requests

13. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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NEVADA DEPARTMENT OF EDUCATION

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R196-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:05AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** Senate Bill 460 (2025) made changes regarding assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school. NRS 385.080 empowers the State Board to develop regulations.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation conforms to changes within SB460 (2025) regarding early literacy assessments.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NEVADA DEPARTMENT OF EDUCATION
WORKSHOP
October 10, 2024
2:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.660 – 1, 2 – REMOVING TWO ASSESSMENT NAMES** *(For possible action)*
   The proposed changes seek to remove to assessment names from existing NAC.
   - Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. **2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.680 – CREDIT FOR CORRESPONDENCE COURSES** *(For possible action)*

The proposed changes seek to update approved accredited bodies identified in the NAC.

- Nancy Olsen, Education Programs Supervisor, Office of Career Readiness, Adult Learning, and Education Options

5. **2:04 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.025 and NAC 394.200 – ALIGN PRIVATE SCHOOL LICENSING LANGUAGE WITH NRS**

   The proposed changes seek to update the accreditation agency in NAC.

   - Barbara Bidell, Education Programs Professional, Office of Student and School Supports

6. **PUBLIC COMMENT #2**

   Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

7. **ADJOURNMENT**

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

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DEPARTMENT OF EDUCATION

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, October, 10** is Livestream Link and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

2:00 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 388.660 – 1,2 — To Remove the Names of Two Assessments.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, October 9, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of Public Instruction

Southern Nevada Office
2080 East Flamingo Rd, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF NEVADA
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: September 17, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.660–1, 2

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding removing product names for regulations is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

R197-24

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R197-24

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

AUTHORITY: §§ 1, 4 and 5, NRS 453.221, 639.070 and 639.2177; § 2, NRS 639.070 and 639.170; § 3, NRS 639.070 and 639.0727.

A REGULATION relating to pharmacy; eliminating certain definitions; revising certain terminology; imposing certain requirements on a facility for treatment with narcotics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the registration and control of the dispensing of controlled substances in Nevada. (NRS 453.221) Existing law further authorizes the Board to adopt regulations that: (1) are necessary for the protection of the public relating to the practice of pharmacy; (2) authorize the Executive Secretary of the Board to issue certificates, licenses and permits required for the practice of pharmacy or for the dispensing of controlled substances; and (3) govern the dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing regulations require a facility for treatment with narcotics to: (1) be licensed by the Health Care Purchasing and Compliance Division of the Nevada Health Authority; and (2) obtain a license from the Board to administer opioid agonist treatment medication. (NAC 449.15445, section 1 of LCB File No. R196-22) **Sections 2 and 4** of this regulation make nonsubstantive revisions to provide that the license issued by the Board is to administer a facility for treatment with narcotics rather than to administer opioid agonist treatment medication. **Section 4** requires an applicant for a license to administer a facility for treatment with narcotics to be registered with the Drug Enforcement Administration of the United States Department of Justice as a narcotic treatment program. **Section 4** authorizes a facility for treatment with narcotics to administer or dispense certain controlled substances to a person who is dependent on opioids, but prohibits a facility for treatment with narcotics from prescribing controlled substances or dangerous drugs. **Section 4** requires a facility for treatment with narcotics to employ a medical director and requires the medical director to possess certain qualifications. **Section 4** requires a facility for treatment with narcotics to comply with all applicable federal and state laws and regulations. **Section 1** of this regulation: (1) removes a reference to a definition in federal regulations that no longer exists; and (2) updates an internal reference to a section of the Nevada Revised Statutes that was amended

during the 2025 Legislative Session. **Section 3** of this regulation eliminates a duplicative definition.

Section 1. NAC 639.010 is hereby amended to read as follows:

639.010 As used in this chapter, unless the context otherwise requires:

1. "Automated drug dispensing system" means a system that performs operations, other than compounding or administration, related to the storage and dispensing of drugs.

2. "Board" means the State Board of Pharmacy.

3. "Controlled substance" has the meaning ascribed to it in NRS 0.031.

4. "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

5. "Direct supervision" means the direction given by a supervising pharmacist or dispensing practitioner who is:

(a) On the premises of the pharmacy or telepharmacy at all times when the person he or she is supervising is working at the pharmacy or telepharmacy or at a remote site or satellite consultation site; and

(b) Aware of the activities of that person related to the preparation and dispensing of medications, including the maintenance of appropriate records.

6. "Dispensing practitioner" means:

(a) A practitioner to whom the Board has issued a certificate of registration pursuant to NAC 639.742 to dispense controlled substances or dangerous drugs, or both, for human consumption;

(b) A licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption; or

(c) A registered nurse to whom the Board has issued a certificate of registration pursuant to section 1 of LCB File No. R013-24 to dispense dangerous drugs for human consumption.

7. "Dispensing technician" means a person who performs technical services in a pharmacy under the direct supervision of a dispensing practitioner and is registered with the Board pursuant to NAC 639.7425.

8. "Dispensing technician in training" means a person who is registered with the Board pursuant to NAC 639.7424 in order to obtain the training and experience required to be a dispensing technician pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 639.7425.

9. "Executive Secretary" means the Executive Secretary employed by the Board pursuant to NRS 639.040.

10. "Facility for treatment with narcotics" has the meaning ascribed to it in NAC 449.1542.

11. "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

12. "Federally-qualified health center vehicle" means a vehicle that meets the requirements of paragraph (c) of subsection 1 of NAC 639.7422.

13. "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

14. "Oncology group practice" means two or more dispensing practitioners who practice oncology in a group practice.

15. ~~[~~"Opioid agonist treatment medication" has the meaning ascribed to it in 42 C.F.R. § 8.2.~~]~~

~~16.~~ "Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

~~[17.]~~ ***16.*** "Pharmaceutical technician in training" means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (3) of paragraph (d) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

~~[18.]~~ ***17.*** "Practitioner" has the meaning ascribed to it in NRS 639.0125.

~~[19.]~~ ***18.*** "Prescription drug" means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner; and

(b) Is labeled with the symbol "Rx only" pursuant to federal law or regulation.

~~[20.]~~ ***19.*** "Public or nonprofit agency" means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

~~[21.]~~ ***20.*** "Reproductive healthcare center" means a health facility owned and operated by a nonprofit corporation or a public health center, as defined in subsection ~~[8]~~ ***9*** of NRS 449.260, ***as amended by section 225 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page***

3718, principally engaged in providing family planning services and reproductive healthcare, including, without limitation, the testing, diagnosis and treatment of, or providing of medication to prevent, a sexually transmitted infection or other infection of the urogenital system.

~~[22.]~~ *21.* "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

~~[23.]~~ *22.* "User-based access technology" means software or hardware that restricts access to an automated drug dispensing system to authorized users by requiring two-factor authentication. Authentication factors may include, without limitation, knowledge, hardware tokens or biometric information.

Sec. 2. NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist ..... Actual cost of the examination

For the investigation or registration of an applicant as a registered pharmacist.....$200

For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....200

For the investigation or issuance of an original license to conduct a retail pharmacy 500

For the biennial renewal of a license to conduct a retail pharmacy 500

For the investigation or issuance of an original license to conduct an institutional pharmacy 500

For the biennial renewal of a license to conduct an institutional pharmacy 500

For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution 500

For the biennial renewal of a license to conduct a pharmacy in a correctional institution 500

For the investigation or issuance of an original license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist 50

For the biennial renewal of registration as a registered pharmacist 200

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100

For the initial registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training.....50

For the biennial renewal of registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training.....50

For the investigation or registration of an intern pharmacist.....40

For the biennial renewal of registration as an intern pharmacist.....40

For the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances.....80

For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances.....80

For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances.....200

For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances.....200

For authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of NRS 632.2397 200

For biennial renewal of authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of NRS 632.2397 200

For authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the biennial renewal of authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the investigation or issuance of an original license to engage in business as an authorized warehouse or medical products provider 500

For the biennial renewal of a license to engage in business as an authorized warehouse or medical products provider 500

For the investigation or issuance of an original license to a manufacturer or wholesaler 1,000

For the biennial renewal of a license for a manufacturer or wholesaler 1,000

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 50

For authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption 300

For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption 300

For authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption 150

For the biennial renewal of authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....150

For authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board 300

For the biennial renewal of authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board 300

For the investigation or issuance of an original license for an automated drug dispensing system.....500

For the biennial renewal of a license for an automated drug dispensing system 500

For the investigation or issuance of an original license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility 250

For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility 250

For the investigation or issuance of an original license for a facility for treatment with narcotics ~~[to administer opioid agonist treatment medication]~~ 80

For the biennial renewal of a license for a facility for treatment with narcotics ~~[to administer opioid agonist treatment medication]~~ 80

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 6 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally-qualified health center that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

➥ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

6. A practitioner who is exempt from the payment of a fee pursuant to subsection 5 shall notify the Board in writing of each change of address or additional address, or both.

7. In addition to any other fees paid by an applicant for a certificate, license or permit issued pursuant to chapter 639 of NRS, the Board may require that the applicant pay the actual costs of inspection incurred by the Board.

Sec. 3. NAC 639.719 is hereby amended to read as follows:

639.719 1. Except as otherwise provided in this section, one or more dispensing practitioners practicing at a reproductive healthcare center may use an automated drug dispensing system and maintain a shared inventory in the automated drug dispensing system to dispense a prescription drug to a patient if the reproductive healthcare center obtains a license from the Board for the automated drug dispensing system pursuant to subsection 2.

2. The Board will provide an application for a license for an automated drug dispensing system to a reproductive healthcare center upon request. The Board will issue a license for an automated drug dispensing system if the Board determines that the system dispenses prescription drugs accurately and otherwise meets the requirements of this section and the fee prescribed by NAC 639.220 is paid. A license must be:

(a) Issued for each automated drug dispensing system at a reproductive healthcare center; and

(b) Posted on the system so that the license is visible to the public.

3. The automated drug dispensing system must conform to all the following provisions:

(a) Except as otherwise provided in subsection 8, the system must contain only dangerous drugs, excluding compound drug products, for treatment in reproductive health care:

(1) Approved for use in the system by a dispensing practitioner; and

(2) For which the prescription has been processed, verified and completed in the same manner as a prescription for drugs that are delivered manually by a dispensing practitioner pursuant to NAC 639.742 and 639.745, except that the requirements of paragraph (e) of subsection 3 of NAC 639.742 do not apply.

(b) The system must:

(1) Control and track access to the system for stocking, cleaning, maintenance or any other purpose to ensure that access to the system can be obtained only by a dispensing practitioner practicing at the reproductive healthcare center.

(2) Be secure from unauthorized access to and removal of prescription drugs.

(3) Be owned or leased by the reproductive healthcare center that obtained the license for the system and operated under the supervision and control of that reproductive healthcare center.

(4) Monitor the temperature of the system or be able to have a device installed to monitor the temperature of the system. Such monitoring must include, without limitation, an alarm that records when the temperature of the system reaches a level outside the range compatible with the proper storage of a prescription drug and a method to notify the reproductive healthcare center of the temperature change.

(5) Create and maintain a complete, accurate and readily retrievable record of all transactions. The record must include, without limitation:

(I) The name, strength, quantity and form of dosage of each prescription drug stocked, inventoried, removed or dispensed from the system;

(II) Each day and time the system is accessed;

(III) An inventory of the prescription drugs stored in the system; and

(IV) The identity of each person who accesses the system.

(6) Authorize access only to patients who have previously indicated to the dispensing practitioner who prescribed the drug their desire to have their prescription drugs dispensed by the system.

(7) Provide a method to identify the patient and dispense a prescription drug only to the patient or to an authorized agent of the patient.

(8) Dispense one, any combination or all of the prescription drugs available to a patient at the option of the patient at the time that the patient removes the prescription drugs from the system.

(9) Record the date and time that the patient removes the prescription drugs from the system.

(10) Inform a patient:

(I) If the patient is using the system at the time that the reproductive healthcare center is open, that the patient may discuss questions and concerns regarding the prescription drug with the dispensing practitioner in person, if available, or through user-based access technology described in subparagraph (13).

(II) If the patient is using the system at the time that the reproductive healthcare center is closed, that the patient may discuss questions and concerns regarding the prescription drug through the user-based access technology described in subparagraph (13).

(III) That the patient may choose not to purchase the prescription drug from the system at any time before the system dispenses the prescription drug.

(11) Dispense all prescription drugs in containers labeled in conformance with NRS 639.2801.

(12) Be installed in such a place and manner that a person is unable to remove the system from its location or obtain access to the system without authorization. The system must be monitored by real-time audio-visual technology or audio-visual recording technology.

(13) Be equipped with user-based access technology that includes, without limitation, an audio-visual function that allows the patient to communicate, in real time, with a dispensing practitioner who has access to any patient record necessary for counseling the patient in compliance with NAC 639.707 and 639.708.

4. A reproductive healthcare center that dispenses prescription drugs by an automated drug dispensing system pursuant to this section shall maintain a written policy that sets forth:

(a) The duties of all persons who are authorized to access the system; and

(b) The procedures for:

(1) Maintaining the security of the prescription drugs stored in the system during the maintenance and repair of the system;

(2) The preparation of an inventory of the prescription drugs stored in the system; and

(3) Stocking the system with prescription drugs.

5. A dispensing practitioner practicing at a reproductive healthcare center that dispenses prescription drugs through an automated drug dispensing system pursuant to this section shall comply with all applicable federal and state recordkeeping requirements and shall maintain those records in a readily retrievable manner separate from other medical records.

6. Prescription drugs stored in an automated drug dispensing system pursuant to this section shall be deemed part of the inventory and the responsibility of each dispensing practitioner that uses the automated drug dispensing system at the reproductive healthcare center that holds the license for the system. Prescription drugs dispensed from the system shall be deemed to have been dispensed by that dispensing practitioner or those dispensing practitioners, as applicable.

7. The Board may prohibit a reproductive healthcare center from using an automated drug dispensing system to furnish a prescription drug to a patient if the Board determines that the system, or one or more dispensing practitioners' use of the system, does not comply with this section.

8. The provisions of this section do not prohibit the use of an automated drug dispensing system to furnish a drug or device that is approved by the Food and Drug Administration for sale over the counter without a prescription if the reproductive healthcare center using the system is otherwise authorized to use the system pursuant to this section.

~~[9. As used in this section, "reproductive healthcare center" means a health care facility that is:~~

~~(a) Owned and operated by a nonprofit corporation or a public health center, as defined in subsection 8 of NRS 449.260; and~~

~~(b) Principally engaged in providing family planning services and reproductive health care, including, without limitation, the testing, diagnosis and treatment of, or providing of medication to prevent sexually transmitted infections or other infections of the urogenital system.]~~

Sec. 4. Section 1 of LCB File No. R196-22 is hereby amended to read as follows:

Sec. 1. 1. A person or public or private facility shall not operate or provide the services of a facility for treatment with narcotics unless the person or facility holds a license ~~[to administer opioid agonist treatment medication]~~ issued by the Board pursuant to this section.

2. A person or public or private facility may apply to the Board for a license ~~[to administer opioid agonist treatment medication]~~ by submitting an application to the Board on a form prescribed by the Board. The Board shall issue such a license if the applicant meets the requirements sets forth in subsection 3 and pays the fee required by NAC 639.220.

3. An applicant for a license pursuant to subsection 2 must:

(a) Be certified by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 8.11;

(b) Hold a license issued by the Health Care Purchasing and Compliance Division of the Nevada Health Authority pursuant to NAC 449.154 to 449.15485, inclusive, to operate a facility for treatment with narcotics;

(c) Be certified by the Division of Public and Behavioral Health of the Department of ~~[Health and]~~ Human Services pursuant to NRS 458.025; and

(d) ~~[Ensure that each practitioner who dispenses opioid agonist treatment medication at the facility is]~~ ***Be*** registered with ~~[the Board pursuant to NRS 453.231 and]~~ the Drug Enforcement Administration of the United States Department of Justice ~~[to dispense controlled substances.]~~ ***as a narcotic treatment program, as defined in 21 C.F.R. § 1300.01.***

4. Any license issued pursuant to this section is a revocable privilege and a holder of such a license does not acquire any vested right in such a license.

5. ~~[Each dispensing practitioner practicing at a]~~ ***A facility for treatment with narcotics may administer or dispense a controlled substance listed in schedule II or III that is approved by the United States Food and Drug Administration as an opioid agonist treatment to a person who is dependent on opioids for use in the maintenance or detoxification treatment of the person. A facility for treatment with narcotics shall not prescribe a controlled substance or dangerous drug.***

6. A facility for treatment with narcotics shall:

(a) Employ a medical director who must be:

(1) A physician who is licensed to practice medicine or osteopathic medicine pursuant to chapter 630 or 633 of NRS, as applicable;

(2) Registered to dispense controlled substances pursuant to NRS 453.231; and

(3) Registered as a dispensing practitioner pursuant to NAC 639.742; and

(b) Notify the Board before changing the medical director of the facility.

7. A facility for treatment with narcotics shall ~~[, to]~~ ***:***

(a) To the extent required by 42 C.F.R. § 2.36, obtain informed consent for the reporting of information to the computerized program to track prescriptions for controlled substances established pursuant to NRS 453.162 ~~[.]~~ ***; and***

(b) Comply with all applicable federal and state laws and regulations, including, without limitation, 21 U.S.C. §§ 801 to 904, inclusive, 21 C.F.R. Chapter II and 42 C.F.R. Part 8.

8. For purposes of this section, "medical director" has the meaning ascribed to it in 42 C.F.R. § 8.2.

Sec. 5. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

A license to administer opioid agonist treatment medication issued pursuant to section 1 of LCB File No. R196-22 before the effective date of this regulation shall be deemed to be a license to operate a facility for treatment with narcotics issued pursuant to section 1 of LCB File No. R196-22, as amended by section 3 of this regulation, and remains valid until the date on which the license would otherwise expire.

R197-24
January 21, 2026

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The proposed regulation will ensure patients with substance use disorder can safely and reliably receive medication assistant treatment at narcotic treatment programs. The proposed regulation will require narcotic treatment programs to be regulated and licensed with the Board of Pharmacy.

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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 71
The number of persons who testified at the hearing was: -0-
The number of agency submitted statements was: -0-
The name of persons who testified at the hearing: -0-

4. 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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Furthermore, the Board provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

5. 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 meets the requirements and received a unanimous vote by Nevada State Board of Pharmacy board members to adopt the proposed regulation with no change.

6. 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.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by ensuring patients with substance use disorder can safely and reliably receive medication assistant treatment at narcotic treatment programs and that the narcotic treatment program are complying with federal and state law as it relates to the acquisition, storage, handling and administration of controlled substances for the treatment of substance use disorder.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be positive. The regulation amendment will have a beneficial effect on the regulated entities and on the public by ensuring patients with substance use disorder can safely and reliably receive medication assistant treatment at narcotic treatment programs and that the narcotic treatment program are complying with federal and state law as it relates to the acquisition, storage, handling and administration of controlled substances for the treatment of substance use disorder

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

8. 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 Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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 regulation amendment will require narcotic treatment centers to apply and pay the requisite fee to obtain a license from the Nevada State Board of Pharmacy. The revenue generated from the fee will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy.

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

LCB File No. R197-24

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.

The proposed regulation will ensure patients with substance use disorder can safely and reliably receive treatment from a narcotic treatment program. The regulation will require a narcotic treatment program to have their facility licensed and inspected by the Nevada State Board of Pharmacy.

The Board, through its executive staff and legal counsel, have carefully examined the proposed amendment and have determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board also provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

2. The manner in which the analysis was conducted.

Board Staff analyzed the regulation to determine whether it could perceive a direct and significant economic burden on pharmacies, which are the businesses most likely to be affected by the regulation. It also analyzed whether the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, but received none.

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; and

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by ensuring patients with substance use disorder can safely and reliably receive treatment from a narcotic treatment program. The regulation will require a narcotic treatment program to have their facility licensed and inspected by with the Nevada State Board of Pharmacy.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be positive. The regulation amendment will have a beneficial effect on the regulated entities and on the public by ensuring patients with substance use disorder can safely and reliably receive treatment from a narcotic treatment program. The regulation will require a narcotic treatment program to have their facility licensed and inspected by with the Nevada State Board of Pharmacy.

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 Board anticipates no significant adverse economic impact from R197-24 on legitimate Nevada businesses, so no alternative methods of regulation are deemed necessary.

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

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

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.

The revenue generated from the fee increase will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy.

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.

The regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on

small businesses.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small businesses. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, and received none.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.

The Board, through it executive staff and legal counsel, carefully examined the regulation and determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

In reaching that conclusion, the Board solicited comment on the regulation by (1) posting notice, with a link to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small business. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Absent any evidence, the Board concluded that no such impacts are likely to exist.

I hereby certify that 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 the statement was prepared properly and is accurate.



J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy

R203-24

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R203-24

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

AUTHORITY: §§ 1, 3, 4 and 8, NRS 639.070 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; §§ 2 and 5, NRS 453.221, 639.070 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; §§ 6 and 7, NRS 639.070, 639.071 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745.

A REGULATION relating to pharmacy; adopting requirements governing the registration with the State Board of Pharmacy of facilities for intermediate care and facilities for skilled nursing which do not maintain a pharmacy on their premises and wish to maintain a stock of drugs for emergency treatment of inpatients; requiring facilities for intermediate care and facilities for skilled nursing which do not maintain a pharmacy on their premises to enter into a contract with a licensed pharmacy to perform certain functions relating to the stocking and distributing of certain drugs to be given to patients at the facility; requiring such a facility to employ or enter into a contract with a pharmacist to establish certain policies and procedures relating to the purchase, storage, maintenance of records and administration of certain drugs; establishing the duties of such a pharmacist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law and regulations require a medical facility, including, without limitation, a facility for intermediate care or facility for skilled nursing, to obtain a license from the State Board of Pharmacy for any pharmacy that is part of or operated in conjunction with the facility for the purpose of supplying medication and pharmaceutical services to patients at the facility. (NRS 449.0151, 639.0085, 639.071, 639.100, 639.231; NAC 639.457, 639.4575, 639.462) Existing law and regulations also authorize a facility for intermediate care or a facility for skilled nursing to maintain a stock of drugs for emergency treatment of inpatients if the facility is registered with the Board and complies with certain requirements for the storage and distribution of the drugs. (NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; NAC 639.515)

Section 2 of this regulation: (1) establishes the requirements for a facility for intermediate care or a facility for skilled nursing which does not have a licensed pharmacy on its premises and wishes to maintain a stock of drugs for emergency treatment of inpatients to register with the Board; (2) requires such a facility to register with the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances if

the stock of drugs includes a controlled substance listed in schedule II, III, IV or V; and (3) requires the director of nurses at such a facility to ensure that the facility complies with certain requirements relating to the stock of drugs for emergency treatment of inpatients. **Section 5** of this regulation establishes the fee for such a registration. **Section 8** of this regulation makes a conforming change to clarify that facilities for intermediate care and facilities for skilled nursing that are registered with the Board are authorized to maintain a stock of drugs for emergency treatment of inpatients.

Sections 3 and 4 of this regulation establish requirements for the maintenance of a stock of medications for distribution in facilities for intermediate care and facilities for skilled nursing which do not have a licensed pharmacy on their premises and the filling of prescriptions for medications to be given to patients of such facilities. **Section 3** requires a facility for intermediate care or facility for skilled nursing to enter into a contract with a licensed pharmacy to: (1) supply any stock of drugs for emergency treatment of inpatients; (2) stock any supply of prepackaged drugs or furnish a supply of drugs and medicines in certain mechanical devices; and (3) process and fill any prescription for certain drugs which are to be given to a patient in the facility. **Section 3** also requires such a facility to employ or enter into a contract with a pharmacist to establish and monitor compliance with policies and procedures which satisfy certain requirements relating to the purchasing, storage, maintenance of records and administration of drugs at the facility. **Sections 4 and 7** of this regulation set forth the duties of such a pharmacist.

Section 6 of this regulation applies certain definitions in existing regulations relating to facilities for intermediate care and facilities for skilled nursing to the provisions of **sections 2, 3 and 4**.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. Each facility which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, shall:***

(a) Register with the Board by submitting an application on a form prescribed by the Board and paying the requisite fee prescribed by NAC 639.220; and

(b) If the stock of drugs for emergency treatment of inpatients includes controlled substances listed in schedule II, III, IV or V, register with the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances.

2. The director at a facility which is registered pursuant to this section shall ensure that the facility complies with the provisions of NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, and NAC 639.515 relating to the stock of drugs for emergency treatment of inpatients maintained at the facility.

3. Any registration issued pursuant to this section is a revocable privilege and no holder of such a registration acquires any vested right therein or thereunder.

Sec. 3. *1. Each facility which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, stock a supply of prepackaged drugs pursuant to NAC 639.476, stock a supply of drugs and medicines in a mechanical device other than an automated drug dispensing system pursuant to NAC 639.720 or receive a prescription drug which is to be given to a patient in the facility in accordance with NAC 639.478 shall:*

(a) Enter into a contract with a licensed pharmacy to, as applicable:

(1) Supply any stock of drugs for emergency treatment of inpatients;

(2) Stock any supply of prepackaged drugs pursuant to NAC 639.476;

(3) Furnish any supply of drugs and medicines in a mechanical device other than an automated drug dispensing system pursuant to NAC 639.720; and

(4) Process and fill any prescription for a drug which is to be given to a patient in the facility in accordance with NAC 639.478; and

(b) Employ or enter into a contract with a pharmacist to establish policies and procedures which must:

(1) Be consistent with the policies and procedures developed pursuant to NAC 639.477;

(2) Require the maintenance of records relating to controlled substances in accordance with the requirements of NAC 639.485, 639.486, 639.494 and 639.496;

(3) Address the purchase, storage, maintenance of records and administering of drugs and investigational drugs;

(4) Require the maintenance of a perpetual inventory of all controlled substances;

(5) Require the storage of drugs:

(I) In accordance with the specifications of the manufacturer;

(II) For a stock of drugs for emergency treatment of inpatients maintained pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, in accordance with the requirements of NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, and NAC 639.515; and

(III) For a supply of prepackaged drugs pursuant to NAC 639.476 or a prescription drug which is to be given to a patient in the facility in accordance with NAC 639.478, in a locked cabinet or room;

(6) Prescribe procedures for quarantining and destroying any drug or investigational drug which is expired, adulterated, mislabeled or otherwise unsafe for use by humans; and

(7) Ensure that the facility administers drugs and investigational drugs pursuant to chart orders and in accordance with all applicable state and federal laws and regulations.

2. The policies and procedures established pursuant to paragraph (b) of subsection 1 must be maintained, reviewed at least annually, and dated upon adoption and amendment.

3. A pharmacist who is employed or contracted with a facility pursuant to paragraph (b) of subsection 1 may establish the policies and procedures required by that paragraph in consultation with the director or an assistant of the director at the facility.

Sec. 4. *A pharmacist who is employed by or contracted with a facility pursuant to paragraph (b) of subsection 1 of section 3 of this regulation shall:*

1. Visit the facility at least once each month to:

(a) Evaluate the effectiveness of the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation; and

(b) Confirm that the facility is in compliance with the provisions of this section, section 3 of this regulation and the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation;

2. Maintain documentation of each visit the pharmacist makes pursuant to subsection 1;

3. Conduct an audit of the facility at least once each month using a randomly selected sample of records of the facility, including, without limitation, records of patients and records relating to the purchasing, storage and administration of drugs and investigational drugs, to determine whether the records indicate that:

(a) Drugs and investigational drugs are being administered in a safe and effective manner in accordance with accepted standards of practice and the specifications of the manufacturer;

(b) A discrepancy exists between the actual quantity of drugs and investigational drugs in the possession of the facility and the quantity of drugs and investigational drugs that should be in the possession of the facility according to the records of the facility;

(c) The employees of the facility:

(1) Maintain accurate records relating to drugs; and

(2) Maintain and properly monitor the perpetual inventory of all controlled substances in accordance with the policies and procedures established pursuant to subparagraph (4) of paragraph (b) of subsection 1 of section 3 of this regulation; and

4. Submit a written report, which must include, without limitation, a written explanation, to the Board not later than 5 business days after the date on which the pharmacist determines that:

(a) The facility is violating a state or federal law or regulation which affects the care and safety of a patient;

(b) There is a discrepancy of 5 percent or more between the actual quantity of a controlled substance in the possession of the facility and the quantity of the controlled substance that should be in the possession of the facility according to the records of the facility, including, without limitation:

(1) Purchase orders and invoices for the controlled substance;

(2) Records which indicate the removal of the controlled substance from the storage area;

(3) Records of patients, including, without limitation, records of dispensing or administering the controlled substance to a patient;

(4) Records which indicate the return of the controlled substance to the manufacture or that the controlled substance was destroyed; and

(5) Any other records relating to the controlled substance;

(c) The facility has intentionally or recklessly failed to create or maintain a record required by the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation;

(d) The facility is administering a drug in violation of accepted standards of practice or the specifications of the manufacturer; or

(e) The facility is engaged in a practice which endangers the health, safety or welfare of a patient or employee of the facility.

Sec. 5. NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist ..... Actual cost of the examination

For the investigation or registration of an applicant as a registered pharmacist.....$200

For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....200

For the investigation or issuance of an original license to conduct a retail pharmacy 500

For the biennial renewal of a license to conduct a retail pharmacy 500

For the investigation or issuance of an original license to conduct an institutional pharmacy 500

For the biennial renewal of a license to conduct an institutional pharmacy 500

For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution 500

For the biennial renewal of a license to conduct a pharmacy in a correctional institution 500

For the investigation or issuance of an original license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist 50

For the biennial renewal of registration as a registered pharmacist 200

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100

For the initial registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training 50

For the biennial renewal of registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training 50

For the investigation or registration of an intern pharmacist 40

For the biennial renewal of registration as an intern pharmacist 40

For the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances 80

For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances 80

For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances 200

For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances.....200

For authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with NRS 632.2397 200

For biennial renewal of authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with NRS 632.2397 200

For authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the biennial renewal of authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the investigation or issuance of an original license to engage in business as an authorized warehouse or medical products provider 500

For the biennial renewal of a license to engage in business as an authorized warehouse or medical products provider 500

For the investigation or issuance of an original license to a manufacturer or wholesaler.....1,000

For the biennial renewal of a license for a manufacturer or wholesaler 1,000

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....50

For authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....300

For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption 300

For authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption 150

For the biennial renewal of authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption 150

For authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board 300

For the biennial renewal of authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board 300

For the investigation or issuance of an original license for an automated drug dispensing system 500

For the biennial renewal of a license for an automated drug dispensing system 500

For the investigation or issuance of an original license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility 250

For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility.....250

For the investigation or issuance of an original license for a facility for treatment with narcotics to administer opioid agonist treatment medication 80

For the biennial renewal of a license for a facility for treatment with narcotics to administer opioid agonist treatment medication 80

For the investigation or issuance of an original registration for a facility for intermediate care or a facility for skilled nursing licensed pursuant to chapter 449 of NRS which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients.....500

For the biennial renewal of a registration for a facility for intermediate care or a facility for skilled nursing licensed pursuant to chapter 449 of NRS which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients.....500

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 6 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally-qualified health center that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

➥ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

6. A practitioner who is exempt from the payment of a fee pursuant to subsection 5 shall notify the Board in writing of each change of address or additional address, or both.

7. In addition to any other fees paid by an applicant for a certificate, license or permit issued pursuant to chapter 639 of NRS, the Board may require that the applicant pay the actual costs of inspection incurred by the Board.

Sec. 6. NAC 639.492 is hereby amended to read as follows:

639.492 As used in NAC 639.492 to 639.498, inclusive, ***and sections 2, 3 and 4 of this regulation,*** unless the context otherwise requires:

1. "Director" means the director of nurses of a facility.

2. "Facility" means a facility for intermediate care as defined in NRS 449.0038 or a facility for skilled nursing as defined in NRS 449.0039.

Sec. 7. NAC 639.498 is hereby amended to read as follows:

639.498 1. Except as otherwise provided in subsection 2:

(a) At least once each month, the director or ~~[a licensed consulting]~~ ***the*** pharmacist ***who is employed by or contracted with the facility*** shall destroy, on the premises of the facility, the controlled substances described in subsection 1 of NAC 639.050.

(b) If the director destroys the controlled substances, the ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** shall witness the destruction of the controlled substances. If the ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** destroys the controlled substances, the director shall witness the destruction of the controlled substances.

2. The director may designate a nurse licensed pursuant to chapter 632 of NRS to carry out his or her duties pursuant to this section. The ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** may designate a pharmacist licensed pursuant to chapter 639 of NRS to carry out his or her duties pursuant to this section.

3. The controlled substances must be destroyed in accordance with 21 C.F.R. Parts 1300, 1301, 1304, 1305, 1307 and 1317 and any other provision of federal law governing the destruction or disposal of controlled substances.

Sec. 8. NAC 639.515 is hereby amended to read as follows:

639.515 1. A facility for skilled nursing or a facility for intermediate care ***which is registered pursuant to section 2 of this regulation*** may maintain a stock of the following drugs for emergency treatment for inpatients:

Analgesic-CII

Analgesic-non CII

Anesthetics, local

Antiarrhythmics

Antibiotics

- Oral
- Intravenous

Anticholinergic

Antidiarrheal

Antihistamine

Antihypertensive

Antinauseants

Antipsychotic

Bronchodilators

Calcium injectable

Dextrose injection

Diazepam

Digoxin

Diuretic injectable

Epinephrine

Glucagon

Heparin

Insulin

Intravenous solutions

Magnesium sulfate

Muscle relaxant

Naloxone

Nitroglycerin tablets

Normal saline

Phenobarbital

Phenytoin

Potassium chloride

Pressor amine

Protamine

Sodium bicarbonate

Steroids

Vitamin K

Water for injection

2. The quantity of each drug stocked must not exceed 20 units of each drug at each nursing station in the facility.

3. All drugs must be stored and maintained in unit dosages, if manufactured in that form.

R203-24
January 21, 2026

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The regulation sets forth the requirements necessary for intermediate care facilities or skilled nursing facilities to obtain a license from the Board of Pharmacy. The purpose of the regulation is to ensure the safe acquisition, storage, handling, and administration of controlled substances and dangerous drugs in these facilities. The regulation also sets forth the qualifications, authority, and duties of the owners and contract employees of these facilities as it relates to prescription drugs

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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 71
The number of persons who testified at the hearing was: -0-
The number of agency submitted statements was: -0-
The name of persons who testified at the hearing: -0-

4. 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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Furthermore, the Board provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

5. 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 meets the requirements and received a unanimous vote from the Nevada State Board of Pharmacy board members for adoption with no changes.

6. 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.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by having ensuring that controlled substances and dangerous drugs are safely, acquired, stored, handled and administered at intermediate care facilities or skilled nursing facilities.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial as the proposed regulation ensures the safe acquisition, storage, handling and administration of controlled substances and dangerous drugs at intermediate care facilities or skilled nursing facilities.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

8. 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 Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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 regulation amendment will impose a registration and renewal fee for the intermediate care and skill nursing facilities who wishes to acquire, store, handle and administer controlled substances and dangerous drugs to patients at their facility. The revenue generated from the fee will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy, which will include application review, facility inspection, and issuance of license.

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

LCB File No. R203-24

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.**

The regulation sets forth the requirements necessary for intermediate care and skilled nursing facilities to obtain a license from the Board of Pharmacy. The purpose is to protect the public with regard to safe acquisition, storage, handling, and administration of controlled substances and dangerous drugs. Furthermore, the proposed regulation sets forththe qualifications, authority, and duties of the owners and contract employees of these facilities as it relates to prescription drugs

The Board, through its executive staff and legal counsel, have carefully examined the proposed amendment and have determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board also provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

2. **The manner in which the analysis was conducted.**

Board Staff analyzed the regulation to determine whether it could perceive a direct and significant economic burden on the intermediate care facilities, skilled nursing facilities andpharmacies, which are the businesses most likely to be affected by the regulation. It also analyzed whether the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, but received none.

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; and

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by having safeguards for controlled substances and dangerous drugs at intermediate care facilities or skilled nursing facilities.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be beneficial by having safeguards for controlled substances and dangerous drugs at intermediate care facilities or skilled nursing facilities.

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 Board anticipates no significant adverse economic impact from R203-24 on legitimate Nevada businesses, so no alternative methods of regulation are deemed necessary.

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

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

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.

The revenue generated from the fee increase will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy.

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.

The regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

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

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a

direct and significant economic burden on small businesses. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, and received none.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.

The Board, through it executive staff and legal counsel, carefully examined the regulation and determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

In reaching that conclusion, the Board solicited comment on the regulation by (1) posting notice, with a link to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small business. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Absent any evidence, the Board concluded that no such impacts are likely to exist.

I hereby certify that 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 the statement was prepared properly and is accurate.

J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy

R204-24

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R204-24

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

AUTHORITY: § 1, NRS 453.146, 453.2182 and 639.070.

A REGULATION relating to controlled substances; revising the list of controlled substances contained in schedule I; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances listed as controlled substances in schedules I, II, III, IV and V of the Uniform Controlled Substances Act. (NRS 453.146) Existing regulations set forth the drugs and substances that are enumerated in schedule I. (NAC 453.510) This regulation revises the list of drugs and substances contained in schedule I to include ethylphenidate and 2-Methyl-AP-237.

Section 1. NAC 453.510 is hereby amended to read as follows:

453.510 1. Schedule I consists of the drugs and other substances listed in this section by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including, without limitation, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

Acetylmethadol;

Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) (some trade or other names: acryloylfentanyl);

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, commonly referred to as levo-alpha-acetylmethadol, levomethadyl acetate or "LAAM");

Alphameprodine;

Alphamethadol;

Alpha′-methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Alphamethylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

Benzethidine;

Betacetylmethadol;

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxythiofentanyl (trade or other names: N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

Betameprodine;

Betamethadol;

Betaprodine;

Butyryl fentanyl (trade or other names: N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Clonitazene;

Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

2′,5′-dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide

Dimethylthiambutene;

Dioxaphetyl butyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxeridine;

Eutylone (bk-EBDB, 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)butan-1-one, b-keto-ethylbenzodioxolylbutanamine);

Fentanyl carbamate (Ethyl-(1-phenethylpiperidin-4-yl)(phenyl)carbamate);

Fluoro furanyl fentanyl;

Fluoroacryl fentanyl;

Fluorobutyryl fentanyl;

Fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);

Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide);

Furethidine;

Hydroxypethidine;

Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

Isotonitazene;

Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Ketobemidone;

Levomoramide;

Levophenacylmorphan;

Meta-fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

Meta-fluoroisobutyryl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide);

Methoxyacetyl fentanyl;

Methyl acetyl fentanyl;

2-Methyl-AP-237 (some trade or other names: 1-(2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl)-1-butanone; 2-MAP);

Methyl methoxyacetyl fentanyl (some trade or other names: 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl));

Methylfentanyl;

Methylthiofentanyl;

Morpheridine;

MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

Noracymethadol;

Norlevorphanol;

Normethadone;

N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (2'-fluoro ortho-fluorofentanyl; 2'-fluro 2'-fluorofentanyl);

Norpipanone;

Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide;

Ortho-fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

Para-methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Para-methylcyclopropyl fentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

Phenadoxone;

Phenampromide;

Phenomorphan;

Phenoperidine;

Phenyl fentanyl (some trade or other names: benzoyl fentanyl);

Phenylpropanoyl fentanyl;

Piritramide;

Proheptazine;

Properidine;

Propiram;

Racemoramide;

Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

Thiofuranyl fentanyl (some trade or other names: thiophene fentanyl);

Tianeptine;

Tilidine;

Trimeperidine; or

Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

3. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;

Acetyl fentanyl;

Acetyldihydrocodeine;

Benzylmorphine;

Codeine methylbromide;

Codeine-N-Oxide;

Cyprenorphine;

Desomorphine;

Dihydromorphine;

Drotebanol;

Etorphine (except hydrochloride salt);

Heroin;

Hydromorphinol;

Methyldesorphine;

Methyldihydromorphine;

Morphine methylbromide;

Morphine methylsulfonate;

Morphine-N-Oxide;

Myrophine;

Nicocodeine;

Nicomorphine;

Normorphine;

Pholcodine; or

Thebacon.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, including, without limitation, their salts, isomers and salts of isomers, whenever the

existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

ADB-BUTINACA (some trade or other names: N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide;

ADB-4en-PINACA (some trade or other names: N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide);

Adinazolam (some trade or other names: 8-chloro-1-((dimethylamino)methyl)-6-phenyl-4H-s-triazolo(4,3-a)(1,4)benzodiazepine; adinazolamum; Deracyn);

Alpha-ethyltryptamine (some trade or other names: ET, Trip);

Alpha-methyltryptamine (some trade or other names: AMT);

Alpha-PiHP (some trade or other names: 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one);

Bromazolam (some trade or other names: 8-bromo-1-methyl-6-phenyl-4H[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; XLI-268);

1,4-Butanediol (some trade or other names: 1,4-butyleneglycol, dihydroxybutane, tetramethylene glycol, butane 1,4-diol, SomatoPro, Soma Solutions, Zen);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus, 2C-B);

1-Butyl-3-(1-naphthoyl)indole-7173 (some trade or other names: JWH-073);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (some trade or other names: 2C-C);

4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine (some trade or other names: Etizolam);

Clonazolam (some trade or other names: 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; clonitrazolam);

CUMYL-PEGACLONE (some trade or other names: SGT-151; 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one; 2,5-dihydro-2-(1-methyl-1-phenylethyl)-5-pentyl-1H-pyrido[4,3-b]indol-1-one);

1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (some trade or other names: SR-18; BTM-8; RCS-8);

Diclazepam (some trade or other names: 7-chloro-5-(2-chlorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one; 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one; 2'-chlorodiazepam; Chlorodiazepam; Ro 5-3448);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

2,5-dimethoxy-4-ethylamphet-amine (some trade or other names: DOET);

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (some trade or other names: 2C-E);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (some trade or other names: 2C-D);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (some trade or other names: 2C-N);

2,5-Dimethoxy-N-(2-methoxybenzyl) phenethylamine (NBOMe) and any derivative thereof (some trade or other names: 2C-X-NBOMe; N-benzylated phenethylamines; N-o-methoxybenzyl analogs; NBOMe; 25H-NBOMe; 25B-NBOMe; 25C-NBOMe; 25D-

NBOMe; 25E-NBOMe; 25I-NBOMe; 25N-NBOMe; 25P-NBOMe; 25T2-NBOMe; 25T4-NBOMe; 25T7-NBOMe);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (some trade or other names: 2C-P);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7);

2-(2,5-Dimethoxyphenyl)ethanamine (some trade or other names: 2C-H);

3-[(2-Dimethylamino)ethyl]-1H-indol-4-yl acetate (some trade or other names: 4-acetoxy-N, N-dimethyltryptamine;4-AcO-DMT; psilacetin; O-acetylpsilocin; 4-acetoxy-DMT);

5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7297 (some trade or other names: CP-47,497);

5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7298 (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue);

Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-EDMB-PINACA);

4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (some trade or other names: (4-ethyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone; JWH-210);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (some trade or other names: 2C-T-2);

5F-EDMB-PICA (some trade or other names: 5F-EDMB-2201; Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate; N-[[1-(5-fluoropentyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, ethyl ester);

4F-MDMB-BUTICA (some trade or other names: 4F-MDMB-BICA; Methyl 2-[[1-4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate; N-[[1-(4-fluorobutyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, methyl);

Flualprazolam (some trade or other names: 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; 8-chloro-6-(2-fluoro-phenyl)-1-methyl-4h-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; 2'-fluoro alprazolam; ortho-fluoro alprazolam);

Flubromazepam (some trade or other names: 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-Bromo-5-(2-fluorophenyl)-1H-benzo[e][1,4]diazepin-2(3H)-one; 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one);

Flubromazolam (some trade or other names: 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-(1,2,4)triazolo(4,3-a)(1,4)benzodiazepine);

Flunitrazolam (some trade or other names: 6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine);

(1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: FUB-144);

2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Some trade or other names: FUB-AMB; MMB-FUBINACA);

[1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (some trade or other names: THJ-2201; 5-fluoro THJ 018; AM2201 indazole analog; fluorpentyl JWH-018 indazole);

[1-(5-fluoropentyl)-1H-indol-3-yl]-1-naphthalenyl-methanone (some trade or other names: 1-(5-fluoropentyl)-3-(1-naphthoyl)indole; AM-2201);

[1-(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophyenyl)-methanone (some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole; AM-694);

(1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: XLR-11);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (some trade or other names: 5F-CUMYL-PINACA; SGT-25);

1-(5-fluoropentyl)-N-(tricyclo[3.3.1.13,7]dec-1-yl)-1H-indazole-3-carboxamide (some trade or other names: N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide; APINACA 5-fluoropentyl analog; 5F-AKB48; 5-Fluoro-AKB48; 5F-APINACA; 5-Fluoro-APINACA;

1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (some trade or other names: 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester; 5-Fluoro-PB-22; 5F-PB-22);

Flutoprazepam (some trade or other names: 7-chloro-1-(cyclopropylmethyl)-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one);

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (some trade or other names: 2C-I);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (some trade or other names: 2C-T-4);

1-hexyl-3-(1-naphthoyl)indole (some trade or other names: JWH-019);

MDMB-4en-PINACA (some trade or other names: Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate);

Meclonazepam (some trade or other names: (3S)-5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one; Ro 11-3128);

Methoxetamine (some trade or other names: MXE; 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone)

3-MMC (some trade or other names: 3-methylmethcathinone; 2-(methylamino)-1-(3-methylphenyl)propan-1-one);

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; para-methoxyamphetamine; PMA);

(4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone (some trade or other names: JWH-081);

5-methoxy-3,4-methylenedioxyamphetamine (some trade or other names: MMDA);

5-methoxy-N, N-diisopropyltryptamine (some trade or other names: 5-meO-DIPT);

4-methyl-2,5-dimethoxyamphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; “STP”);

(4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone (some trade or other names: JWH-122);

Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-ADB; 5F-MDMB-PINACA);

Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-MDMB-PICA);

Methylenedioxyamphetamine (some trade or other names: MDA);

Methylenedioxymethamphetamine (MDMA);

Methylenedioxy-N-ethylamphetamine (commonly referred to as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

MMB-FUBICA ester (some trade or other names: Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methyl butanoate; N-[[1-[(4-fluorophenyl)methyl]-1H-indol-3-yl]carbonyl]-L-valine, methyl ester);

1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole-7200 (some trade or other names: JWH-200);

N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (some trade or other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl);

N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (some trade or other names: 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-carboxamide; APINACA; AKB48);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (trade or other names: ADB-CHMINACA; MAB-CHMINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (trade or other name: ADB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (some trade or other names: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (trade or other name: AB-FUBINACA);

N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (trade or other name: AB-CHMINACA);

N-hydroxy-3,4-methylenedioxyamphetamine (commonly referred to as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-hydroxy MDA);

2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (some trade or other names: 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone; 1-pentyl-3-(2-methoxyphenylacetyl)indole; JWH-250);

Nifoxipam (some trade or other names: 5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; 1,3-Dihydro-5-(2-fluorophenyl)-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; 3-hydroxydesmethylflunitrazepam; DP 370);

Nitrazolam (some trade or other names: 1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine);

Norflurazepam (some trade or other names: 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; nor-Flurazepam; N-Desalkylflurazepam; Desalkylflurazepam; Ro 5-3367);

1-Pentyl-3-(2-chlorophenylacetyl)indole (some trade or other names: JWH-203);

1-Pentyl-3-(4-cholor-1-naphthoyl)indole (some trade or other names: JWH-398);

1-Pentyl-3-[(4-methoxy)-benzoyl]indole (some trade or other names: SR-19; BTM-4; RCS-4);

1-Pentyl-3-(1-naphthoyl)indole-7118 (some trade or other names: JWH-018; AM678);

(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: UR-144);

1-pentyl-N-(tricyclo[3.3.1.$1^{3,7}$]dec-1-yl-1H-indole-3 carboxamide (some trade or other names: APICA; JWH-018 adamantyl carboxamide; 2NE1; SDB-001);

1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (some trade or other names: 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester; PB-22; QUPIC);

Phenazepam (some trade or other names: 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-bromo-5-(2-chlorophenyl)-1,2-dihydro-3H-1,4-benzodiazepin-2-one; BD 98; Fenazepam; Elzepam; Phezipam; Phenorelaxan; Phenzitat);

Pyrazolam (some trade or other names: 8-bromo-1-methyl-6-(2-pyridinyl)-4H-(1,2,4)triazolo(4,3-a)(1,4)benzodiazepine; 8-bromo-1-methyl-6-(pyridin-2-yl)-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; Pirazolam);

3,4,5-trimethoxyamphetamine;

Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethyl-aminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade or other names: DET; N,N-Diethyltryptamine);

Dimethyltryptamine (some trade or other names: DMT; N,N-DMT; N,N-Dimethyltryptamine);

Fluorophenylpiperazine (some trade or other names: FPP, pFPP, 2-fluorophenylpiperazine, 3-fluorophenylpiperazine, 4-fluorophenylpiperazine);

Gamma butyrolactone (some trade or other names: GBL, Gamma Buty Lactone, 4-butyrolactone, dihydro-2(3H)-furanone, tetrahydro-2-furanone, Gamma G, GH Gold);

Gamma hydroxy butyric acid (some trade or other names: GHB);

Ibogaine (some trade or other names: 7-ethyl-6, 6 beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; *Tabernanthe iboga*);

Lysergic acid diethylamide;

Marijuana;

Mescaline;

Methoxyphenylpiperazine (some trade or other names: MeOPP, pMPP, 4-MPP, 2-MeOPP, 3-MeOPP, 4-MeOPP);

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);

Peyote (meaning all parts of the plant presently classified botanically as *Lophophora williamsii Lemaire*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts);

N-benzylpiperazine (some trade or other names: BZP, 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocin;

Salvinorin A (some trade or other names: Divinorin A; Methyl (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxododecahydro-2H-benzo[f]isochromene-7-carboxylate);

Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE);

Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP);

1-(1-(2-thienyl)-cyclohexyl)-pyrrolidine (some trade or other names: TCPy);

Thiophene analog of phencyclidine (some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP); or

Trifluoromethylphenylpiperazine (some trade or other names: 1-(3-trifluoromethylphenyl)piperazine; 3-trifluoromethylphenylpiperazine; TFMPP).

For the purposes of this subsection, "isomer" includes, without limitation, the optical, position or geometric isomer.

5. All parts of the plant presently classified botanically as *Datura*, whether growing or not, the seeds thereof, any extract from any part of such plant or plants, and every compound, manufacture, salt derivative, mixture or preparation of such plant or plants, its seeds or extracts, unless substances consistent with those found in such plants are present in formulations that the Food and Drug Administration of the United States Department of Health and Human Services has approved for distribution.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of phencyclidine, mecloqualone

or methaqualone having a depressant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

7. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers:

Alpha-PBP (some trade or other names: 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one, alpha-pyrrolidinobutiophenone);

Alpha-PVP (some trade or other names: 1-phenyl-2-(1-pyrrolidinyl)-1-pentanone, alpha-pyrrolidinopentiophenone, alpha-pyrrolidinovalerophenone, O-2387);

Alpha-pyrrolidinoheptaphenone (some trade or other names: PV8);

Alpha-pyrrolidinohexanophenone (some trade or other names: alpha-PHP);

Aminorex;

Butylone (some trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one, β-keto-N-methylbenzodioxolylpropylamine, bk-MBDB);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norephedrone);

4-chloro-alpha-pyrrolidinovalerophenone (some trade or other names: 4-chloro-a-PVP);

Dimethylone (some trade or other names: 3,4-methylenedioxy-N,Ndimethylcathinone; N,N-dimethyl MDCATH; N,N-dimethyl-3,4- methylenedioxycathinone; N,N-dimethyl-

β-keto-3,4-methylenedioxyamphetamine; 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)propan-1-one; bk-MDDMA);

N-ethylhexedrone;

Ethylone (some trade or other names: N-ethyl-3,4-methylenedioxycathinone; 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one; MDEC; bk-MDEA);

N-ethylpentylone (1-(1,3-benzodioxol-5-yl)-2-ethylamino)-pentan-1-one) (some trade or other names: ephylone);

Ethylphenidate (some trade or other names: ethyl 2-phenyl-2-(piperidin-2-yl)acetate);

Fenethylline;

Fluoroamphetamine (some trade or other names: 2-fluoroamphetamine, 3-fluoroamphetamine, 4-fluoroamphetamine, 2-FA, 3-FA, 4-FA, PFA);

Fluoromethcathinone (some trade or other names: 4-Fluoro-N-methylcathinone, 1-(4-fluorophenyl)-2-(methylamino)propan-1-one, 4-Fluoromethcathinone (Flephedrone), 4-FMC, 3-Fluoro-N-methylcathinone, 1-(3-fluorophenyl)-2-2(methylamino)propan-1-one, 3-Fluoromethcathinone, 3-FMC, 2-Fluoro-N-methylcathinone, 1-(2-fluorophenyl)-2-(methylamino)propan-1-one, 2-FMC);

Mephedrone (some trade or other names: Methylmethcathinone, 4-Methylmethcathinone, 4-MMC, 4-Methylephedrone);

Methamphetamine;

Methcathinone (some trade or other names: N-Methylcathinone, cat);

Methedrone (some trade or other names: Methoxymethcathinone, 4-Methoxymethcathinone, bk-PMMA, methoxyphedrine);

4-methyl-alpha-ethylaminopentiophenone (some trade or other names: 4-MEAP);

4'-methyl-alpha-pyrrolidinohexiophenone (some trade or other names: MPHP);

4-methyl-alpha-pyrrolidinopropiophenone (some trade or other names: 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one, 4-MePPP);

(±)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Methylenedioxypyrovalerone (some trade or other names: 3,4-Methylenedioxypyrovalerone, MDPV);

Methylethcathinone (some trade or other names: 2-(ethylamino)-1-(4-methylphenyl)propan-1-one, 4-MEC, 4-methyl-N-ethylcathinone);

Methylone (some trade or other names: Methylenedioxy-N-methylcathinone, Methylenedioxymethcathinone, 3,4-Methylenedioxy-N-methylcathinone, bk-MDMA);

N,N-dimethylamphetamine (commonly referred to as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);

N-ethylamphetamine;

Naphyrone (some trade or other names: 1-(naphthalen-2-yl)-2(pyrrolidin-1-yl)pentan-1-one, naphthylpyrovalerone, naphpyrovalerone, NRG-1, O-2482);

Pentedrone (some trade or other names: 2-(methylamino)-1-phenylpentan-1-one, α-methylaminovalerophenone); or

Pentylone (trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one; beta-keto-methylbenzodioxolylpentanamine; bk-MBDP; bk-methyl-K).

8. Unless specifically listed in another schedule, coca leaves, cocaine base or free base, or a salt, compound, derivative, isomer or preparation thereof which is chemically equivalent or identical to such substances, and any quantity of material, compound, mixture or preparation which contains coca leaves, cocaine base or cocaine free base or its isomers or any of the salts of cocaine, except decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

9. Unless specifically listed in another schedule, Tetrahydrocannabinols (natural or synthetic equivalents of substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

Delta 9 cis or trans tetrahydrocannabinol, and their optical isomers, also known as Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;

Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers, also known as Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers;

Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

Tetrahydrocannabinols contained in the genus Cannabis or in the resinous extractives of the genus Cannabis;

Synthetic equivalents of tetrahydrocannabinol substances or synthetic substances, derivatives and their isomers with a similar chemical structure; and

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

10. Unless specifically listed in another schedule and except as otherwise provided in subsection 11, any material, compound, mixture or preparation which contains any quantity of CBD (natural or synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis sp. or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity).

11. A drug product which:

(a) Has been approved by the United States Food and Drug Administration;

(b) Contains CBD derived from any plant in the genus Cannabis or the resinous extractives thereof; and

(c) Contains not more than 0.1 percent residual THC by weight,

➥ is not a controlled substance.

R204-24
January 21, 2026

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The proposed amendment to NAC 453.510 will add ethylphenidate and 2-methyl AP-237 to the controlled substances listed in Schedule I in conformity with federal regulations of the Uniform Controlled Substances Act.

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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 71
The number of persons who testified at the hearing was: -0-
The number of agency submitted statements was: -0-
The name of persons who testified at the hearing: -0-

4. 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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

Furthermore, the Board provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

5. 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 meets the requirements and received an unanimous vote by the Nevada State Board of Pharmacy board members to adopt the proposed regulation with no change.

6. 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.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

8. 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 regulation is necessary and is written in conformance with the Uniform Controlled Substances Act.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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 or increase of fees.

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

LCB File No. R204-25

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.

The proposed amendment to NAC 453.510 will add ethylphenidate and 2-methyl AP-237 to the controlled substances listed in Schedule I in conformity with federal regulations of the Uniform Controlled Substances Act.

The Board, through its executive staff and legal counsel, have carefully examined the proposed amendment and have determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

Furthermore, the Board also provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

2. The manner in which the analysis was conducted.

Board Staff analyzed the regulation to determine whether it could perceive a direct and significant economic burden on pharmacies, which are the businesses most likely to be affected by the regulation. It also analyzed whether the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, but received none.

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; and

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be beneficial since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

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 Board anticipates no significant adverse economic impact from R204-25 on legitimate Nevada businesses, so no alternative methods of regulation are deemed necessary.

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

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

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.

This regulation does not provide a new or increase of 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.

The regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

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

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small businesses. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small

businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, and received none.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.

The Board, through it executive staff and legal counsel, carefully examined the regulation and determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

In reaching that conclusion, the Board solicited comment on the regulation by (1) posting notice, with a link to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small business. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Absent any evidence, the Board concluded that no such impacts are likely to exist.

I hereby certify that 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 the statement was prepared properly and is accurate.

J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy

ADOPTED REGULATION OF THE

STATE FIRE MARSHAL

LCB File No. R205-24

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

AUTHORITY: §§ 1-10, 12, 13, 16, 20-30, 32-37 and 39-46, NRS 477.030; § 11, NRS 459.773 and 477.030; § 14, NRS 477.030, 477.031 and 477.045; § 15, NRS 477.030, 477.031 and 477.033; §§ 17-19, 31 and 38, NRS 477.030 and 477.033.

A REGULATION relating to fire protection; revising certain definitions; updating information relating to certain publications adopted by reference; revising the deadline for an application for renewal of a license or certificate of registration; revising provisions relating to inspections of certain systems relating to fire protection; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Fire Marshal to adopt regulations relating to the prevention of fire. (NRS 477.030) Existing regulations adopt by reference certain nationally recognized codes, subject to certain additions and deletions. (NAC 477.281, 477.283) **Section 9** of this regulation updates certain publications adopted by reference to include the 2024 editions of the *International Fire Code*, the *International Building Code*, the *International Existing Building Code*, the *International Wildland-Urban Interface Code*, the *Uniform Mechanical Code* and the *Uniform Plumbing Code* and certain editions of various codes and standards of the National Fire Protection Association. **Section 10** of this regulation sets forth various changes to those publications adopted by reference. **Sections 12, 14, 15 and 17-45** of this regulation make conforming changes to references to these publications.

Existing regulations adopt by reference the 2016 *Emergency Response Guidebook* and any subsequent revision of the publication that has been approved by the State Fire Marshal for use in this State as a reference guide for responding to accidents and incidents involving hazardous materials. (NAC 477.2833) **Section 11** of this regulation instead adopts by reference the 2024 *Emergency Response Guidebook* and any subsequent revision of the publication that has been approved by the State Fire Marshal for use in this State.

Subject to certain exceptions, existing regulations provide that all original licenses and certificates of registration expire on December 31 of the year in which they are issued, and require that an application and the appropriate fee for the renewal of a license or certificate of registration be received by the State Fire Marshal on or before the date specified for renewal, or

the firm or registrant holding the license or certificate of registration is required to cease performing those services authorized by the license or certificate of registration. (NAC 477.310) **Section 13** of this regulation revises this deadline to instead require the application and appropriate fee to be received on or before 5 p.m. on the date specified for renewal.

Existing regulations require that certain systems relating to fire protection be inspected by a licensed or certified person or firm, as applicable, and as required by the appropriate adopted standards published by the National Fire Protection Association. (NAC 477.335, 477.460) **Sections 16 and 25** of this regulation also require that the person or firm, as applicable, conducting the inspection be capable of making any necessary repairs.

Sections 1-8 of this regulation revise the definitions of various terms applicable to provisions of the Nevada Administrative Code relating to fire protection.

Section 46 of this regulation repeals an obsolete definition no longer applicable in the chapter of the Nevada Administrative Code relating to fire protection.

Section 1. NAC 477.025 is hereby amended to read as follows:

477.025 "Alarm signal" means a signal indicating an emergency requiring immediate action such as ~~[an alarm of]~~ ***a signal indicating a*** fire ***.*** ~~[from a manual box, a water flow alarm, an alarm from an automatic fire alarm system or other emergency signal.]~~

Sec. 2. NAC 477.030 is hereby amended to read as follows:

477.030 "Alter" and "alteration" mean any change, modification or deviation in construction ~~[or occupancy.]~~ ***, including, without limitation, any renovation to an existing structure. The term does not include a repair or addition to an existing structure.***

Sec. 3. NAC 477.055 is hereby amended to read as follows:

477.055 "Building" means any structure ~~[erected for the support, shelter or enclosure of persons, animals or property.]~~ ***used or intended to be used to support or shelter any occupancy.***

Sec. 4. NAC 477.060 is hereby amended to read as follows:

477.060 "Building official" means the official of the State ***,*** ~~[or]~~ a political subdivision ***or other designated authority or a designee thereof*** charged with the administration ***and enforcement*** of ~~[a building code.]~~ ***the International Building Code.***

Sec. 5. NAC 477.095 is hereby amended to read as follows:

477.095 "Dwelling" means ~~[any structure]~~ ***a building*** which contains one or two dwelling units ~~[intended to be]~~ used ~~[for human occupancy.]~~ ***or designed or intended to be used, rented or leased for occupancy.***

Sec. 6. NAC 477.100 is hereby amended to read as follows:

477.100 "Dwelling unit" means a single unit which has provisions for ***complete and independent*** living ~~[and]~~ ***facilities for one or more persons, including, without limitation, permanent provisions for living,*** sleeping ~~[and which may provide for]~~ ***, eating,*** cooking and sanitation.

Sec. 7. NAC 477.230 is hereby amended to read as follows:

477.230 "Supervisory signal" means a signal indicating the need of action in connection with the supervision of ~~[watchmen or of sprinkler and other extinguishing]~~ ***security guards, protective*** systems or equipment or with the maintenance features of ~~[other protective]~~ ***related*** systems.

Sec. 8. NAC 477.240 is hereby amended to read as follows:

477.240 "Trouble signal" means a signal ~~[indicating trouble of any nature, such as a]~~ ***initiated by a fire system or device indicating a fault in a monitored*** circuit ~~[break]~~ or ~~[ground, occurring in the devices or wiring associated with a protective signaling system.]~~ ***component of the fire system or device.***

Sec. 9. NAC 477.281 is hereby amended to read as follows:

477.281 1. The State Fire Marshal hereby adopts by reference the following nationally recognized codes with additions and deletions as noted in NAC 477.283:

(a) *International Fire Code,* ~~[2018]~~ ***2024*** edition, including appendices B, C, D, F and H. A copy is available from the International Code Council by mail at 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address ~~[http://]~~***https://*****www.iccsafe.org**, at the price of ~~[$119]~~ ***$123*** for members and ~~[$159]~~ ***$164*** for nonmembers.

(b) *International Building Code*, ~~[2018]~~ ***2024*** edition. A copy is available from the International Code Council by mail at 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address ~~[http://]~~***https://*****www.iccsafe.org**, at the price of ~~[$148]~~ ***$152*** for members and ~~[$197]~~ ***$203*** for nonmembers.

(c) *International Existing Building Code*, ~~[2018]~~ ***2024*** edition. A copy is available from the International Code Council by mail at 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address ~~[http://]~~***https://*****www.iccsafe.org**, at the price of ~~[$95]~~ ***$84*** for members and ~~[$126]~~ ***$112*** for nonmembers.

(d) *International Wildland-Urban Interface Code*, ~~[2018]~~ ***2024*** edition, including Appendices A and B. A copy is available from the International Code Council by mail at 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address ~~[http://]~~***https://*****www.iccsafe.org**, at the price of ~~[$59]~~ ***$61*** for members and ~~[$79]~~ ***$81*** for nonmembers.

(e) *Uniform Mechanical Code*, ~~[2018]~~ ***2024*** edition. A copy is available from the International Association of Plumbing and Mechanical Officials by mail at 4755 E. Philadelphia

Street, Ontario, California 91761, or at the Internet address **https://iapmostore.org**, at the price of ~~[$128.]~~ ***$144.***

(f) *Uniform Plumbing Code*, ~~[2018]~~ ***2024*** edition. A copy is available from the International Association of Plumbing and Mechanical Officials, by mail at 4755 E. Philadelphia Street, Ontario, California 91761, or at the Internet address **https://iapmostore.org**, at the price of ~~[$128.]~~ ***$144.***

2. In addition to the codes adopted pursuant to subsection 1, the State Fire Marshal hereby adopts by reference the following codes and standards of the *National Fire Codes* to supplement other codes adopted in this chapter:

(a) NFPA 10, ~~[2018]~~ ***2022*** edition;

(b) NFPA 11, ~~[2016]~~ ***2021*** edition;

(c) NFPA 12, ~~[2015]~~ ***2022*** edition;

(d) NFPA 12A, ~~[2015]~~ ***2022*** edition;

(e) NFPA 13, ~~[2016]~~ ***2022*** edition;

(f) NFPA 13D, ~~[2016]~~ ***2022*** edition;

(g) NFPA 13R, ~~[2016]~~ ***2022*** edition;

(h) NFPA 14, ~~[2016]~~ ***2024*** edition;

(i) NFPA 15, ~~[2017]~~ ***2022*** edition;

(j) NFPA 16, ~~[2015]~~ ***2019*** edition;

(k) NFPA 17, ~~[2017]~~ ***2021*** edition;

(l) NFPA 17A, ~~[2017]~~ ***2021*** edition;

(m) NFPA 18, ~~[2017]~~ ***2021*** edition;

(n) NFPA 20, ~~[2016]~~ ***2022*** edition;

(o) NFPA 22, ~~[2018]~~ ***2023*** edition;

(p) NFPA 24, ~~[2016]~~ ***2022*** edition;

(q) NFPA 25, ~~[2017]~~ ***2023*** edition;

(r) NFPA 30, ~~[2018]~~ ***2024*** edition;

(s) NFPA 30B, ~~[2015]~~ ***2023*** edition;

(t) NFPA 45, ~~[2015]~~ ***2024*** edition;

(u) NFPA 52, ~~[2016]~~ ***2026*** edition;

(v) NFPA 54/ANSI Z223.1, National Fuel Gas Code, ~~[2018]~~ ***2024*** edition, or the most current version adopted by reference by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.610;

(w) NFPA 55, ~~[2016]~~ ***2023*** edition;

(x) NFPA 58, ~~[2017]~~ ***2024*** edition, or the most current version adopted by reference by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.600;

(y) NFPA 72, ~~[2016]~~ ***2022*** edition;

(z) NFPA 80, ~~[2016]~~ ***2022*** edition;

(aa) NFPA 85, ~~[2015]~~ ***2023*** edition;

(bb) NFPA 86, ~~[2015]~~ ***2023*** edition;

(cc) NFPA 90A, ~~[2018]~~ ***2024*** edition;

(dd) NFPA 90B, ~~[2018]~~ ***2024*** edition;

(ee) NFPA 92, ~~[2018]~~ ***2021*** edition;

(ff) NFPA 96, ~~[2017]~~ ***2024*** edition;

(gg) NFPA 99, ~~[2018]~~ ***2024*** edition;

(hh) NFPA 99B, ~~[2018]~~ ***2024*** edition;

(ii) Section 18.3.4.5 of NFPA 101, ~~[2018]~~ ***2024*** edition;

(jj) NFPA 102, ~~[2016]~~ ***2021*** edition;

(kk) NFPA 110, ~~[2016]~~ ***2022*** edition;

(ll) NFPA 111, ~~[2013]~~ ***2022*** edition;

(mm) NFPA 122, ~~[2015]~~ ***2023*** edition;

(nn) NFPA 130, ~~[2017]~~ ***2023*** edition;

(oo) NFPA 140, ~~[2018]~~ ***2024*** edition;

(pp) NFPA 150, ~~[2019]~~ ***2022*** edition;

(qq) NFPA 160, ~~[2016]~~ ***2021*** edition, or the most current version adopted by reference by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.615;

(rr) NFPA 385, ~~[2017]~~ ***2022*** edition;

(ss) NFPA 400, ~~[2016]~~ ***2022*** edition;

(tt) NFPA 403, 2018 edition;

(uu) NFPA 407, ~~[2017]~~ ***2022*** edition;

(vv) NFPA 409, ~~[2016]~~ ***2022*** edition;

(ww) NFPA 410, ~~[2015]~~ ***2020*** edition;

(xx) NFPA 415, ~~[2016]~~ ***2022*** edition;

(yy) NFPA 418, ~~[2016]~~ ***2024*** edition;

(zz) NFPA 472, 2018 edition;

(aaa) NFPA 495, ~~[2018]~~ ***2023*** edition;

(bbb) NFPA 501A, ~~[2017]~~ ***2025*** edition, or the most current version adopted by reference by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.620;

(ccc) NFPA 600, ~~[2015]~~ ***2025*** edition;

(ddd) NFPA 704, ~~[2017]~~ ***2022*** edition;

(eee) NFPA 730, ~~[2018]~~ ***2023*** edition;

(fff) NFPA 731, ~~[2017]~~ ***2023*** edition;

(ggg) NFPA 750, ~~[2015]~~ ***2023*** edition;

(hhh) NFPA 853, ~~[2015]~~ ***2020*** edition;

(iii) NFPA 901, ~~[2016]~~ ***2024*** edition;

(jjj) NFPA 909, ~~[2017]~~ ***2025*** edition;

(kkk) NFPA 914, ~~[2015]~~ ***2023*** edition;

(lll) NFPA 1001, 2019 edition;

(mmm) NFPA 1003, 2019 edition;

(nnn) NFPA 1051, ~~[2016]~~ ***2020*** edition;

(ooo) NFPA 1072, ~~[2017]~~ ***2022*** edition;

(ppp) NFPA 1081, ~~[2018]~~ ***2024*** edition;

(qqq) NFPA 1122, ~~[2018]~~ ***2026*** edition;

(rrr) NFPA 1123, ~~[2018]~~ ***2022*** edition;

(sss) NFPA 1124, ~~[2017]~~ ***2022*** edition;

(ttt) NFPA 1126, ~~[2016]~~ ***2021*** edition;

(uuu) NFPA 1127, ~~[2018]~~ ***2026*** edition;

(vvv) NFPA 1141, 2017 edition;

(www) NFPA 1142, ~~[2017]~~ ***2022*** edition;

(xxx) NFPA 1143, ~~[2018]~~ ***2018*** edition;

(yyy) NFPA 1144, 2018 edition;

(zzz) NFPA 1192, ~~[2018]~~ ***2026*** edition, or the most current version adopted by reference by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.640;

(aaaa) NFPA 1194, ~~[2018]~~ ***2026*** edition;

(bbbb) NFPA 1221, ~~[2016]~~ ***2019*** edition;

(cccc) NFPA 1402, 2019 edition;

(dddd) NFPA 1403, 2018 edition;

(eeee) NFPA 1452, ~~[2015]~~ ***2020*** edition;

(ffff) NFPA 1600, 2019 edition;

(gggg) NFPA 1616, ~~[2017]~~ ***2020*** edition;

(hhhh) ~~[NFPA 1710, 2016 edition;~~

~~(iiii) NFPA 1720, 2014 edition;~~

~~(jjjj)]~~ NFPA 1851, ~~[2014]~~ ***2020*** edition;

~~[(kkkk)]~~ ***(iiii)*** NFPA 1852, 2019 edition;

~~[(llll)]~~ ***(jjjj)*** NFPA 1855, 2018 edition;

~~[(mmmm)]~~ ***(kkkk)*** NFPA 1858, 2018 edition;

~~[(nnnn)]~~ ***(llll)*** NFPA 1961, ~~[2013]~~ ***2020*** edition;

~~[(oooo)]~~ ***(mmmm)*** NFPA 1962, 2018 edition;

~~[(pppp)]~~ ***(nnnn)*** NFPA 1963, 2019 edition;

~~[(qqqq)]~~ ***(oooo)*** NFPA 1965, 2014 edition;

~~[(rrrr)]~~ ***(pppp)*** NFPA 1971, 2018 edition;

~~[(ssss)]~~ ***(qqqq)*** NFPA 1977, ~~[2016]~~ ***2022*** edition;

~~[(tttt)]~~ ***(rrrr)*** NFPA 2001, ~~[2015]~~ ***2022*** edition;

~~[(uuuu)]~~ ***(ssss)*** NFPA 2010, ~~[2015]~~ ***2020*** edition;

~~[(vvvv)]~~ ***(tttt)*** NFPA 2400, ~~[2019]~~ ***2024*** edition; and

~~[(wwww)]~~ ***(uuuu)*** NFPA 3000, ~~[2018]~~ ***2024*** edition.

➥ A copy of each of the codes and standards is available ***to view*** free of charge at the Internet address ~~[http://]~~***https://***www.nfpa.org ~~[.]~~ ***or, to purchase, at the price of $141.30 for members or $157 for nonmembers.***

3. Where no specific codes or standards are specified in the *International Fire Code*, ~~[2018]~~ ***2024*** edition, the applicable standards of the NFPA may be used.

Sec. 10. NAC 477.283 is hereby amended to read as follows:

477.283 1. The following changes are made to the ~~[2018]~~ ***2024*** edition of the *International Fire Code* as adopted by reference in NAC 477.281:

(a) "International Fuel Gas Code" is deleted and replaced with "NFPA 54/ANSI Z223.1, National Fuel Gas Code, ~~[2018]~~ ***2024*** edition, or the most current version adopted by the Board for the Regulation of the Liquefied Petroleum Gas in NAC 590.610."

(b) "International Mechanical Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Mechanical Code."

(c) "International Plumbing Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Plumbing Code."

(d) Section ~~[105.6.20]~~ ***105.5.22*** is revised by adding a new paragraph to read as follows: "When a permit is required to be obtained for hazardous material, the Nevada Combined Agency Hazardous Material Facility Report must be completed and the appropriate fees paid."

(e) Section ~~[109]~~ ***112*** is deleted.

(f) In section 202, in the definition of "High-Rise Building," "75 feet (22 860 mm)" is deleted and replaced with "55 feet (16 764 mm)."

(g) In section ~~[202, under "Occupancy Classification":~~

~~(1) The]~~ ***203.7.2, the*** definition of "Institutional Group I-2" is revised by adding: "All portions of a care facility which houses patients or residents which are classified by the State Board of Health as a 'Category 2 resident' and which has an occupant load of more than 10 residents, is classified as an 'I-2' occupancy classification."

~~[(2)]~~ ***(h)*** In ***section 203.7.4,*** the definition of "Institutional Group I-4, day care facilities," "five" is deleted and replaced with "six."

~~[(3) The]~~ ***(i) In section 203.9.1, the*** definition of "Residential Group R-1" is revised by adding "Brothel" to the list.

~~[(4)]~~ ***(j)*** In compliance with NRS 449.1865, in ***section 203.9.3,*** the definition of "Residential Group R-3," "for five or fewer persons receiving care" is deleted and replaced with "for three or more persons receiving care."

~~[(5) The]~~ ***(k) In section 203.9.4, the*** definition of "Residential Group R-4" is revised by adding:

~~[(I)]~~ ***(1)*** "Reintegration facilities"; and

~~[(II)]~~ ***(2)*** "Transitional living facilities."

~~[(h) Section 308.1.4 is deleted.]~~

(i) ***(l)*** In section ~~[308.1.6.3,]~~ ***308.1.7,*** "an untethered sky lantern" is deleted and replaced with "a sky lantern or similar device with an open flame fuel source."

~~[(j)]~~ ***(m)*** In section 503.2.3, "surfaced so as to provide all-weather driving capabilities" is deleted and replaced with "surfaced and paved so as to provide all-weather driving capabilities that are acceptable to and approved by the authority having jurisdiction.

Exception: Temporary access roads serving only buildings under construction are not required to be paved."

~~[(k)]~~ ***(n)*** Section 505.1 is deleted and replaced with: "New and existing buildings must be provided with approved address numbers, building numbers or address identification. The address numbers, building numbers or address identification must be legible and placed in a position that is visible from the street or road fronting the property. The characters in address numbers, building numbers or address identification must contrast with their background. Address numbers, building numbers or address identification must be Arabic numbers or alphabetical letters. Each number, character and letter must be a minimum of 6 inches (152.4 mm) high for buildings that are within 50 feet of the street, 12 inches high for buildings that are within 51 to 100 feet of the street and 18 inches high for buildings that are over 100 feet from the street. Each number, character and letter must be a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road or driveway and the building cannot be viewed from the public way, a monument, pole or other sign or means must be used to identify the structure. The requirements of this paragraph can be adjusted to allow large Arabic numbers or

alphabetical letters as required by the fire code official for the needs of campuses and complexes for planning and coordination as listed under NFPA 3000, ~~[2018]~~ ***2024*** edition."

~~[(l)]~~ ***(o)*** Section 507.3 is revised by adding a new paragraph to read as follows: "Subject to the approval of the fire authority, if the required fire flow is not available for adequate fire protection, an approved automatic fire sprinkler system must be installed throughout the building or buildings. The sprinkler system must meet the requirements of the appropriate NFPA standard. The provisions of this paragraph do not apply if a fire sprinkler system is otherwise required by this chapter or the adopted codes."

~~[(m)]~~ ***(p)*** Section 510.1 is deleted and replaced with: "Emergency responder radio coverage systems must be provided throughout any building that meets one of the following standards:

1. *High-rise buildings:* Buildings with a floor used for human occupancy that is located more than 55 feet above the lowest level of fire department vehicle access.

2. *Underground and below-grade buildings:* Buildings with a floor level that is below the finished floor of the lowest level of the exit discharge of any level.

3. *Other buildings:* The fire code official is authorized to require a technical opinion and report, in accordance with section ~~[104.7.2,]~~ ***104.2.2,*** for buildings whose design, due to location, size, construction type or other factors, could impede radio coverage as required by section 510.4.1. The report shall make a recommendation regarding the need for an emergency responder radio coverage system."

~~[(n)]~~ ***(q)*** Section 510.2 is deleted and replaced with: "Existing buildings, other than buildings with an occupational classification of Residential Group R-3, which do not have approved radio coverage for emergency responders in the building based on existing coverage levels of the

public safety communications systems, must be equipped with such coverage according to one of the following conditions:

1. Existing buildings that do not have approved radio coverage, as determined by the Fire Chief, in accordance with section 510.4.1.

2. Where an existing wired communication system cannot be repaired or is being replaced.

3. Within a time frame established by the adopting authority.

Exception: An existing building is not required to be equipped with such coverage where the fire code official determines that the radio coverage for emergency responders is not needed."

~~[(o)]~~ ***(r)*** Section 903.2.1.2 is revised by adding a new paragraph to read as follows: "Occupancies containing a casino, regardless of occupancy classification, must be designed and built with a sprinkler system classified as an ordinary Hazard Group 2."

~~[(p) Section 903.2.3 is revised by adding a new paragraph to read as follows: "In high schools where automatic sprinkler systems are provided, the automatic sprinkler systems for the automotive and woodworking shops must be designed to meet ordinary hazard group 1 criteria."~~

~~(q)]~~ ***(s)*** Section 903.2 is revised by adding a new paragraph to read as follows: "In all occupancies except group R-3 and U occupancies, a building that is more than two stories in height, including any height added by usable floor space, must have an automatic sprinkler system throughout. Any open parking garage and any airport control tower is exempt from this requirement to install an automatic sprinkler system."

~~[(r)]~~ ***(t)*** Section 906.2 is revised by adding new sentences following the first sentence to read as follows: "The internal components of carbon dioxide, wet chemical, halogenated agent, aqueous film-forming foam (AFFF) and film-forming fluoroprotein (FFFP) portable fire

extinguishers shall be examined in accordance with NFPA 10, ~~[~~2018~~]~~ ***2022*** edition, table 7.3.3.1. The internal components of all other portable fire extinguishers shall be examined annually."

~~[~~(s)~~]~~ ***(u)*** Section 907.5.2.1.1 is revised by adding a new paragraph to read as follows: "The minimum sound pressure levels of audible alarm notification appliances shall be 90 dBA in mechanical equipment rooms and 80 dBA in all other occupancies."

~~[~~(t)~~]~~ ***(v)*** Section 907.5.2.3 is revised by adding the following exceptions following exception ~~[~~4:~~]~~ ***5:***

~~[~~"5.~~]~~ ***"6.*** Visible alarm notification appliances are not required in storage rooms, electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

~~[~~6.~~]~~ ***7.*** Visible alarm notification appliances are not required in janitor closets."

~~[~~(u)~~]~~ ***(w)*** Section 907.10 is revised by adding: "The provisions of this section apply when any work that requires a permit is conducted on a new or existing building or structure."

~~[~~(v)~~]~~ ***(x)*** In section ~~[~~915.1.1,~~]~~ ***915.2,*** "occupancies and" is deleted and replaced with "occupancies, including, without limitation, Residential Group R-3 occupancies ~~[~~used~~]~~ for transient occupancy of less than 30 days***."*** ~~[~~, and."

~~(w)]~~ ***(y)*** Chapter 11 is deleted.

~~[~~(x)~~]~~ ***(z) Section 4104.2 is deleted.***

(aa) Section 5601.1.3 is revised by deleting the first sentence and adding a new sentence to read as follows: "Except as otherwise provided in this section, the possession, manufacture,

storage, sale, use and handling of Class 1.3 and Class 1.4 pyrotechnics are only allowed in jurisdictions where specifically approved by local ordinance."

~~[(y)]~~ ***(bb)*** Section 6101.1 is revised by adding a new paragraph to read as follows: "In the event of a conflict between any provision in this chapter and the regulations of the Board for the Regulation of Liquefied Petroleum Gas, the regulations of the Board take precedence."

~~[(z)]~~ ***(cc)*** In table B105.2 of Appendix B, "25 percent" is deleted and replaced with "50 percent."

2. The following changes are made to the ~~[2018]~~ ***2024*** edition of the *International Building Code* as adopted by reference in NAC 477.281:

(a) "International Fuel Gas Code" is deleted and replaced with "NFPA 54/ANSI Z223.1, National Fuel Gas Code, ~~[2018]~~ ***2024*** edition, or the most current version adopted by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.610."

(b) "International Mechanical Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Mechanical Code."

(c) "International Plumbing Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Plumbing Code."

(d) Section 113 is deleted.

(e) In section 202, in the definition of "High-Rise Building," "75 feet (22 860 mm)" is replaced with "55 feet (16 764 mm)."

(f) Section 308.3 is revised by adding a new paragraph to read as follows: "All portions of a care facility which houses patients or residents which are classified by the State Board of Health

as a ‘Category 2 resident’ and which has an occupant load of more than 10 residents, is classified as an ‘I-2’ occupancy classification.”

(g) In section 308.5, “five” is deleted and replaced with “three.”

(h) Section 310.2 is revised by adding “Brothel” to the list.

(i) In compliance with NRS 449.1865, in section 310.4, “for five or fewer persons receiving care” is deleted and replaced with “for three or more persons receiving care.”

(j) In section 310.5, the following are added:

(1) “Reintegration facilities”; and

(2) “Transitional living facilities.”

(k) To section 403.5.3 at the end of the last sentence, is added: “or an activation of any fire alarm initiating device within the building or a failure of both the primary and backup power supplies.”

(l) In section 403.5.4, “75 feet (22 860 mm)” is deleted and replaced with “55 feet (16 764 mm).”

(m) Section 903.2.1.2 is revised by adding a new paragraph to read as follows: “Occupancies containing a casino, regardless of occupancy classification, must be designed and built with a sprinkler system classified as an ordinary Hazard Group 2.”

(n) Section 903.2.3 is revised by adding a new paragraph to read as follows: “In high schools where automatic sprinkler systems are provided, the automatic sprinkler systems for the automotive and woodworking shops must be designed to meet ordinary hazard group 1 criteria.”

(o) Section 903.2 is revised by adding a new paragraph to read as follows: “In all occupancies except group R-3 and U occupancies, a building that is more than two stories in

height, including any height added by usable floor space, must have an automatic sprinkler system throughout. Any open parking garage and any airport control tower is exempt from this requirement to install an automatic sprinkler system."

(p) Section 907.5.2.1.1 is revised by adding a new paragraph to read as follows: "The minimum sound pressure level of audible alarm notification appliances shall be 90 dBA in mechanical equipment rooms and 80 dBA in all other occupancies."

(q) Section 907.5.2.3 is revised by adding the following exceptions following exception ~~[~~4.~~]~~ ***5:***

~~[~~"5.~~]~~ ***"6.*** Visible alarm notification appliances are not required in storage rooms, electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

~~[~~6.~~]~~ ***7.*** Visible alarm notification appliances are not required in janitor closets."

(r) In section ~~[~~1010.1.9.12,~~]~~ ***1010.2.6,*** exception 3 is revised to read as follows: "In stairways serving buildings other than high-rise buildings, doors are permitted to be locked on the side opposite the egress side, provided that the doors can be opened from the egress side. Doors must automatically unlock upon the activation of a fire alarm system or a fire sprinkler waterflow alarm, or for a power failure. Exit discharge doors must remain unlocked."

3. The following changes are made to the ~~[~~2018~~]~~ ***2024*** edition of the *International Existing Building Code* as adopted by reference in NAC 477.281:

(a) "International Fuel Gas Code" is deleted and replaced with "NFPA 54/ANSI Z223.1, National Fuel Gas Code, ~~[2018]~~ ***2024*** edition, or the most current version adopted by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.610."

(b) "International Mechanical Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Mechanical Code."

(c) "International Plumbing Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Plumbing Code."

4. The following changes are made to the ~~[2018]~~ ***2024*** edition of the *International Wildland-Urban Interface Code* as adopted by reference in NAC 477.281:

(a) ~~[Section 106 is deleted.~~

~~(b)]~~ In section ~~[108.4,]~~ ***106.4,*** "pursuant to Section 502" is deleted.

(b) Section 112 is deleted.

(c) In section 302.3, "on a three-year basis or more frequently as deemed necessary by the legislative body" is deleted and replaced with "as deemed necessary by the code official."

(d) Section 404.1 is revised by deleting "provided in order to qualify as a conforming water supply for the purpose of Table 503.1 or as."

(e) Chapter 5 is deleted.

(f) Section 602.1 is deleted.

(g) Section 603.2 is revised by deleting "Building or structures, constructed in compliance with the conforming defensible space category of table 503.1, shall comply with the fuel modification distance contained in table 603.2."

(h) Section B101.1 is revised to read as follows: "Where required, vegetation management plans must be submitted to the code official and the State Forester Firewarden for review and approval as part of the plans required for a permit."

5. The following changes are made to the ~~[2018]~~ ***2024*** edition of the *Uniform Mechanical Code* as adopted by reference in NAC 477.281:

(a) "International Fuel Gas Code" is deleted and replaced with "NFPA 54/ANSI Z223.1, National Fuel Gas Code, ~~[2018]~~ ***2024*** edition, or the most current version adopted by the Board for the Regulation of Liquefied Petroleum Gas in NAC 590.610."

(b) "International Plumbing Code" is deleted and replaced with ~~["2018]~~ ***"2024*** Uniform Plumbing Code."

6. As used in this section, "casino" means any room in which gaming is conducted, including, without limitation, any bar, cocktail lounge or other facility housed therein as well as the area occupied by the games. The term does not include any establishment that is operated pursuant to a restricted license as defined in NRS 463.0189.

Sec. 11. NAC 477.2833 is hereby amended to read as follows:

477.2833 1. The State Fire Marshal hereby adopts by reference the ~~[2016]~~ ***2024*** *Emergency Response Guidebook* published by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation and any subsequent revision of the publication that has been approved by the State Fire Marshal for use in this State. Each revision of the publication shall be deemed approved by the State Fire Marshal unless the State Fire Marshal disapproves of the revision within 180 days after the date of publication of the revision.

2. The most recent publication of the *Emergency Response Guidebook* that has been approved by the State Fire Marshal will be available for inspection at the ~~[office of the Division]~~ ***Office*** of Emergency Management ~~[of]~~ ***within*** the ~~[Department of Public Safety,]~~ ***Office of the Governor,*** 2478 Fairview Drive, Carson City, Nevada 89701, or may be obtained, free of charge, from the United States Department of Transportation at the Internet address **https://www.phmsa.dot.gov**.

3. The State Fire Marshal will:

(a) Review each revision of the publication described in subsection 1 to ensure its suitability for this State; and

(b) File a copy of each revision of the publication described in subsection 1 that the State Fire Marshal approves with the Secretary of State and the State Library, Archives and Public Records Administrator.

Sec. 12. NAC 477.2835 is hereby amended to read as follows:

477.2835 1. Fire departments that provide training to firefighters using techniques or exercises which involve the use of fire or any device that produces or may be used to produce fire must follow the requirements set forth in NFPA 1403, as adopted by reference in NAC 477.281, on live fire-training evolutions.

2. Each person directly supervising a live fire-training evolution and each person managing a training program involving live fire-training evolutions must hold a certification from the State Fire Marshal as a Fire Service Instructor II or higher, as described in NFPA 1041, as adopted by reference in subsection 5.

3. The construction of each structure used for a live fire-training evolution must comply with the requirements set forth in NFPA 1403, as adopted by reference in NAC 477.281, including, without limitation, design oversight and periodic inspection conducted by a person licensed in accordance with the provisions of chapter 625 of NRS who is working within his or her area of expertise.

4. Any evaluation, inspection or modification of an acquired structure that is to be used for a live fire-training evolution must comply with the requirements set forth in NFPA 1403, as adopted by reference in NAC 477.281.

5. The State Fire Marshal hereby adopts by reference NFPA 1041, 2019 edition, of the *National Fire Code* and any subsequent revision of the publication that has been approved by the State Fire Marshal for use in this State. Each revision of the publication shall be deemed approved by the State Fire Marshal unless the State Fire Marshal disapproves of the revision within 180 days after the date of publication of the revision. A copy of the most recent publication of the standard will be available for inspection at the main office of the State Fire Marshal and ~~[may be obtained, free of charge,]~~ at the Internet address ~~[http://]~~***https://*****www.nfpa.org** ~~[.]~~ ***to view free of charge or to purchase at the price of $141.30 for members or $157 for nonmembers.***

6. The State Fire Marshal will:

(a) Review each revision of the publication described in subsection 5 to ensure its suitability for this State; and

(b) File a copy of each revision of the publication described in subsection 5 that the State Fire Marshal approves with the Secretary of State and the State Library, Archives and Public Records Administrator.

7. A local government, city, town, county or district which establishes a paid full-time or part-time fire department that has been given the responsibility of organizing and deploying fire suppression operations, emergency medical operations and special operations to the public shall follow the minimum training requirements of personnel as set forth in NFPA 1001, as adopted by reference in NAC 477.281.

8. ~~[A local government, city, town, county or district which establishes a volunteer fire department that has been given the responsibility of organizing and deploying fire suppression operations, emergency medical operations and special operations to the public shall follow the minimum training requirements of personnel as set forth in NFPA 1720, as adopted by reference in NAC 477.281.~~

~~9.]~~ The owner or operator of an industrial, commercial, institutional or similar property which establishes a facility fire brigade shall follow the minimum training requirements of personnel as set forth in NFPA 600, as adopted by reference in NAC 477.281, and the minimum job performance requirements for industrial fire brigade personnel as set forth in NFPA 1081, as adopted by reference in NAC 477.281.

~~[10.]~~ ***9.*** A state or local government, city, town, county or district which establishes a fire protection organization on the management of wildland fire suppression or which, through an agreement, responds to wildland fires shall follow the minimum training requirements of

personnel as set forth in NFPA 1051 and 1143, as adopted by reference in NAC 477.281, or as set forth by the National Wildfire Coordinating Group.

Sec. 13. NAC 477.310 is hereby amended to read as follows:

477.310 1. Except as otherwise provided in this chapter and chapter 477 of NRS, all original licenses and certificates of registration expire on December 31 of the year in which they are issued.

2. Application for renewal must be made annually. The application must be accompanied by the appropriate fee. The State Fire Marshal will accept applications for renewal from October 1 through December 31.

3. If an application and the appropriate fee for renewal of a license or certificate of registration is not received by the State Fire Marshal on or before ***5 p.m. on*** the date specified for renewal, then the firm or registrant holding the license or certificate of registration shall cease to perform those services authorized by the license or certificate of registration.

4. If a certificate of registration has expired and the registrant desires to continue to perform the acts requiring a certificate of registration, the registrant must apply to the State Fire Marshal for an original certificate of registration and pay the full fee for certification. The State Fire Marshal may require the applicant to be retested.

5. Any change of information on the license or certificate of registration must be reported to the State Fire Marshal in writing within 7 days after the change. A new license or certificate of registration will be issued upon notification and payment of the prescribed fee.

6. Initial fees for a new license must be paid in full unless the fees are paid in the final quarter of the licensing year. Initial fees which are paid in the final quarter will be reduced by 50 percent.

7. If a fee for a licensed firm is not paid by the time it is due, a late charge of 12 percent per month will be assessed as an administrative fee for processing. The charge will be assessed beginning at the end of the first business day after the fee is due. A licensed firm may not engage in any work authorized by this chapter or chapter 477 of NRS until the fee is paid.

8. Within 7 calendar days after employing a registrant or a new employee, a licensed firm shall report that fact and the name of the registrant or new employee to the State Fire Marshal. A licensed firm shall report any termination by a registrant within 7 calendar days after the termination.

Sec. 14. NAC 477.323 is hereby amended to read as follows:

477.323 1. A person shall not store a hazardous material in excess of the amount set forth in the *International Fire Code*, ~~[2018]~~ ***2024*** edition, as adopted by reference pursuant to NAC 477.281, unless he or she has been issued an operational permit by the State Fire Marshal to store that material. A permit must be renewed annually.

2. Permits may be revoked or suspended when, after investigation, the State Fire Marshal determines that:

(a) The permit is being used by a person other than the person to whom it was issued.

(b) The permit is being used for a location other than that for which it was issued.

(c) Any of the conditions or limitations set forth in the permit have been violated.

(d) The holder of the permit has failed, refused or neglected to comply with any order or notice served upon him or her under the provisions of this chapter within the time provided therein.

(e) A false statement or misrepresentation as to a material fact was made in the application for the permit or the plans on which the permit was based.

3. The State Fire Marshal may suspend or revoke any permit if an inspection or investigation reveals a hazardous condition that endangers the safety of any person, or if the holder of the permit is not in compliance with this section. The State Fire Marshal may reinstate a suspended permit after the holder of the permit has paid the annual fee and corrected all deficiencies identified. A permit that has been revoked will not be reissued. A suspension will not exceed 24 months, after which the permit will be reissued or revoked.

4. A permit may be issued to store, transport on-site, dispense, use or handle hazardous materials in excess of the amount listed in the *International Fire Code*, ~~[2018]~~ ***2024*** edition, section ~~[105.6.20,]~~ ***105.5.22,*** for a fee of $150.

5. The State Fire Marshal will issue an operational permit for the manufacture, storage, sale and handling of explosives, blasting agents or fireworks for a fee of $1,100 and, in addition thereto, may charge a fee of $110 for each building or structure at the facility and an amount equal to the actual expenses incurred for travel, salaries and administrative expenses.

6. The $60 surcharge required by NRS 477.045 will be collected on all permits to store hazardous materials, in addition to any other fees.

7. A permit expires on March 1 of each year and must be renewed annually on or before March 1 by paying the appropriate fee. If a fee for a permit is not paid by the time it is due, a late

charge of 12 percent per month will be assessed as an administrative fee for processing. The charge will be assessed beginning at the end of the first business day after the fee is due. A holder of a permit may not engage in any work authorized by this chapter or chapter 477 of NRS until the fee is paid.

8. Revocation or suspension of a permit does not preclude the State Fire Marshal from proceeding with a criminal investigation. Evidence from a criminal investigation may be used as evidence in an administrative hearing for the revocation or suspension of a permit.

9. If a holder of a permit or an applicant for a permit intends to terminate the storage, dispensing, handling or use of hazardous materials at a facility, the holder or applicant must submit a plan to the State Fire Marshal outlining the proposed termination of the storage, dispensing, handling or use of the hazardous materials at least 30 days before the date on which the facility is to be closed. The plan must demonstrate that the reported quantities of materials have been or will be transported, disposed of or removed in a manner that presents no hazardous conditions to any person or property.

10. If a person is required to report hazardous materials to the State Emergency Response Commission, the person must obtain a permit from the State Fire Marshal for such hazardous materials.

Sec. 15. NAC 477.325 is hereby amended to read as follows:

477.325 1. Except as otherwise provided in this chapter, the schedule of fees for:

(a) A license to install or maintain portable fire extinguishers and fixed systems and a blaster's certificate of registration is as follows:

(1) Type A for full service of portable fire extinguishers $528

(2) Type B for portable fire extinguishers without hydrostatic service 429

(3) Type B-C or B-D for Type B with hydrostatic service (C is low pressure, D is high pressure hydro) 450

(4) Type E for fixed fire extinguishing systems:

(I) E-1 for pre-engineered systems 165

(II) E-2 for all other engineered systems 165

(III) Both E-1 and E-2 330

(5) Type F for fire alarm 528

(6) Type G for automatic sprinkler systems, except those covered by NFPA 13D and 13R, ~~[2016]~~ ***2022*** editions 528

(7) Type G-U for all underground private fire service mains and their appurtenances 297

(8) Type G-U for private hydrant repair, installation and maintenance 297

(9) Type G-U for the testing of backflow devices 297

(10) Type H for hood and duct cleaning 528

(11) Type I for standpipe systems 528

(12) Type J for systems classified pursuant to NFPA 13D and 13R, ~~[2016]~~ ***2022*** editions 528

(13) A new blaster's certificate of registration 66

(14) Annual renewal of a blaster's certificate 66

(15) Type MG license to install medical gas systems 297

(16) Type EWD (Early Warning Device) license to sell or install heat detectors 132

(b) A new certificate of registration (each class) 85

(c) Renewal of a certificate of registration 40

(d) Issuance of a duplicate license or certificate 14

(e) Change of information on a certificate or license 14

(f) An annual license for the sale at retail of all types of fire extinguishers 31

(g) Retaking an examination or any part of an examination 25

(h) A certificate of registration and license for codes and regulations in interior design 120

(i) Renewal of a certificate of registration and license for codes and regulations in interior design 56

2. The fees for a license do not apply to this State or its political subdivisions. The fees for certificates of registration apply in all cases. A certificate of registration operates as a license for a person to perform a specific job for a company licensed pursuant to this chapter and chapter 477 of NRS.

3. The State Fire Marshal will refund the fee for a license, less an administrative fee of $38.50, if a written request for a refund, stating that the licensee has not, after being licensed, engaged in any of the activities for which the license is issued, is received by the State Fire Marshal within 30 days after the date of the issuance of the license.

4. The following fees are established for the administrative and regulatory services of the State Fire Marshal Division:

(a) All copy service will be at the rate of 50 cents for each page.

(b) Fees for investigative services are as follows:

(1) For expert testimony rendered by the Division in a civil proceeding, the fee of $110 for each hour of testimony or research will be charged.

(2) The actual costs for an investigation must be paid by the person investigated if the person is found guilty.

(3) Investigative and hearing costs must be paid by the person investigated, if the hearing officer finds in favor of the State Fire Marshal.

(c) The State Fire Marshal may charge a fee for the following services based on an hourly cost sufficient to cover the salaries and administrative expenses for:

(1) Requests for an immediate review of plans to expedite a project. The State Fire Marshal will calculate the hourly costs based on the average amount the State Fire Marshal pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors and plan checkers.

(2) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

(3) Reviews of requests to use alternate materials, designs, methods of construction or equipment.

(d) The fee for witnessing any test for acceptance is $27 for each test requiring a separate fee for certification.

(e) A fee may be charged for the costs associated with providing training programs. The State Fire Marshal may waive this fee if a reasonable justification for doing so is provided.

(f) Instructional supplies and materials will be supplied at the approximate cost of providing them.

(g) Fees for instructors are $55.30 per hour, or as set by contract for specific classes, plus per diem and travel expenses.

(h) Any additional costs for service will be added, as well as an administrative fee of 5.5 percent of the total cost of each program.

(i) Costs of certification are based upon hours of training, but will not exceed $50. Fees will be charged for any certification other than:

(1) Initial firefighter certification I and II for a member of a volunteer fire department; or

(2) Certification for hazardous materials awareness and operations for all first responders for a governmental agency.

(j) Additional fees equal to those charged for initial testing will be charged for retesting those who fail.

(k) The State Fire Marshal will not collect fees pursuant to this section from a person if a third party, such as the employer of the person, pays that fee.

(l) Any service provided by the State Fire Marshal Division may be billed at the rate of $38.50 per hour or the actual cost of providing the service, whichever is greater.

(m) Any service performed by a special deputy on behalf of the State Fire Marshal may be billed, pursuant to an interagency agreement, at the rate of $38.50 per hour, the actual cost of providing the service or any other rate specified by this chapter. The State Fire Marshal may

allow such fees or any part thereof to be collected and used by the agency supporting the special deputy.

(n) Approval for equipment or materials which are not on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation will be issued annually for a fee of $610 per product, $38.50 per hour of research and actual expenses incurred in evaluating the product. If a product or material is not approved, there will be charged a fee of $38.50 per hour of research and actual expenses incurred in evaluating the product, except that the minimum fee is $184. Approval of a product lapses if the:

(1) Product is modified;

(2) Name of the product or person manufacturing the product is changed;

(3) Ownership of the company is changed;

(4) Use of the product is changed; or

(5) Annual fee is not paid.

(o) Requests for statistical information received before the publication of the annual report will be supplied as available. The administrative cost to receive such statistical information will be calculated and assessed in accordance with this section.

5. The State Fire Marshal may establish a fee for supplying copies of the annual report to persons and agencies other than fire, legislative and state agencies. The fee will be limited to the actual cost of the publication and distribution of the report, plus an administrative fee of $38.50.

6. The State Fire Marshal may refund all or part of any fee if he or she deems it appropriate. To be eligible for a training refund, a registrant must give not less than 72 hours' notice before

removing his or her name from the registration list. The State Fire Marshal may require the registrant to provide written documentation of the notice.

7. For a plan review, the State Fire Marshal will collect a fee in accordance with section 109 of the *International Building Code*, ~~[2018]~~ ***2024*** edition.

Sec. 16. NAC 477.335 is hereby amended to read as follows:

477.335 1. All pre-engineered or engineered fixed fire extinguishing systems, fire alarm systems, standpipe systems, sprinkler systems, fire extinguishers, fixed hood systems, fire hydrants and underground fire sprinkler systems, and any appurtenance thereof, must be:

(a) Inspected as required by the appropriate adopted standards as published by the NFPA, including, without limitation, in accordance with the schedules required by those adopted standards. The inspections must be conducted by a person ***who is*** licensed or certified by the State Fire Marshal to conduct such inspections ~~[.]~~ ***and capable of making any necessary repairs.***

(b) Visually inspected on a quarterly basis. The visual inspections may be conducted by any person, including an employee of a firm, who, in the opinion of the authority having jurisdiction, has sufficient knowledge of the system to conduct a visual inspection and who will maintain an accurate record of such inspections of the system in the designated place for each system.

2. The authority having jurisdiction may visually inspect a fire protection system at any time. All work must comply with the standards adopted for the system being installed. The methods or equipment used in the installation must not vary from those required by the plans pursuant to which the fire protection system is being installed and the applicable standard for that fire protection system.

Sec. 17. NAC 477.345 is hereby amended to read as follows:

477.345 1. Any firm that holds a license to service or install any fire alarm system, standpipe system, residential sprinkler system, automatic sprinkler system or any other type of extinguishing system must be properly equipped and shall employ personnel who are qualified to install and perform service on fire alarm systems, standpipe systems, assemblies for the prevention of backflow, residential sprinkler systems, automatic sprinkler systems, fire hydrants and underground fire sprinkler systems, and any appurtenance thereof, and must possess a state contractor's license which is pertinent to the work being performed. Licenses will be issued in five basic classifications:

(a) Type E: Authorizes the holder to design the placement of, install, maintain and service engineered or pre-engineered fixed fire extinguishing systems.

(b) Type F: Authorizes the holder to design the placement of, install, maintain and service fire alarm systems.

(c) Type G: Authorizes the holder to design the placement of, install, maintain and service automatic sprinkler systems.

(d) Type I: Authorizes the holder to design the placement of, install, maintain and service fire standpipe systems.

(e) Type J: Authorizes the holder to design the placement of, install, maintain and service residential sprinkler systems which are classified as systems pursuant to NFPA 13D or 13R, ~~[2016]~~ ***2022*** editions.

2. Each application must be accompanied by the required fee and contain the following information:

(a) The name, address and telephone number of the firm.

(b) Fictitious name used, if any.

(c) The type of work performed.

(d) The business identification number or other unique identification number assigned to the firm by the Secretary of State.

(e) Other pertinent information required by the State Fire Marshal.

3. Any firm that holds a license shall report, in writing, to the State Fire Marshal on or before December 31 of each year the name and certificate number of each registrant employed by the firm.

Sec. 18. NAC 477.385 is hereby amended to read as follows:

477.385 1. A firm that is licensed to install or maintain a portable fire extinguisher or fixed fire extinguishing system or sell at retail or provide as a part of other sales at retail a portable fire extinguisher or fixed fire extinguishing system for use within this State:

(a) Must be properly equipped and qualified to perform the service authorized by the type of license issued;

(b) Must provide a shop or a vehicle as a place of business, properly equipped and subject to inspection by the authority having jurisdiction; and

(c) If the firm is engaged in the installation or maintenance of fixed fire extinguishing systems, must possess a state contractor's license appropriate to the work performed as issued by the State Contractors' Board.

2. Any advertisement that the services of selling, installing, charging or testing or other maintenance of portable fire extinguishers or fixed fire extinguishing systems are available

constitutes prima facie evidence that the premises, business, building, room or establishment in or upon which the advertisement appears or to which it refers is a separate location for business.

3. Licenses are classified and defined as follows:

(a) License for a public agency - Any type of license which is issued to the State or any of its agencies or political subdivisions for work to be performed by the State or that agency or political subdivision upon its own properties and for its own use. All requirements set forth in NAC 477.300 to 477.435, inclusive, except the requirement for a license issued by the State Contractors' Board, must be met.

(b) Restricted license - A license which authorizes the holder to perform work covered by the license only upon his or her own properties and for his or her own use. All fees must be paid. Unless otherwise exempted, a valid license issued by the State Contractors' Board is required.

(c) License - A license which is required by NRS 477.033 but is issued to a business and is not restricted.

4. Licenses for the sale at retail of portable fire extinguishers must conform to NFPA 10, ~~[2018]~~ ***2022*** edition, and meet the requirements for testing and listing of a nationally recognized testing laboratory.

Sec. 19. NAC 477.395 is hereby amended to read as follows:

477.395 1. Application for a license or a certificate of registration must be made on forms prescribed by the State Fire Marshal.

2. Each application must be accompanied by the required fee and contain the following information:

(a) The name, address and telephone number of the applicant.

(b) Fictitious names used, if any.

(c) Proof of insurance.

(d) The type of work performed.

(e) The business identification number or other unique identification number assigned to the applicant by the Secretary of State, if any.

(f) Other pertinent information required by the State Fire Marshal.

3. Upon passage of the written examination and any required practical tests or demonstrations, a certificate of registration endorsed with the type of qualification will be issued to each qualified person.

4. Information needed to pass the examination on portable fire extinguishers is found in:

(a) NFPA 10, ~~[2018]~~ ***2022*** edition, "Standard for Portable Fire Extinguishers"; and

(b) NAC 477.380 to 477.435, inclusive.

5. Information needed to pass the examination on fixed fire extinguishing systems is found in:

(a) NFPA 12, ~~[2015]~~ ***2022*** edition, "Standard on Carbon Dioxide Extinguishing Systems";

(b) NFPA 12A, ~~[2015]~~ ***2022*** edition, "Standard on Halon 1301 Fire Extinguishing Systems";

(c) NFPA 17, ~~[2017]~~ ***2021*** edition, "Standard for Dry Chemical Extinguishing Systems";

(d) NFPA 17A, ~~[2017]~~ ***2021*** edition, "Standard for Wet Chemical Extinguishing Systems";

(e) NFPA 96, ~~[2017]~~ ***2024*** edition, "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations"; and

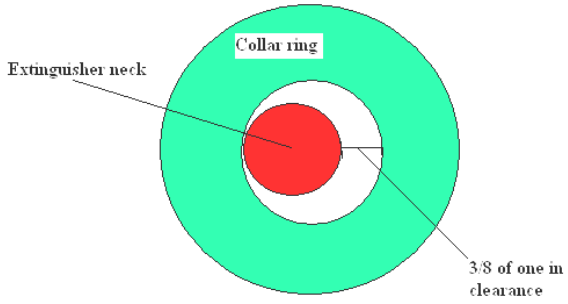
(f) NFPA 2001, ~~[2015]~~ ***2022*** edition, "Standard on Clean Agent Fire Extinguishing Systems."

Sec. 20. NAC 477.410 is hereby amended to read as follows:

477.410 1. All installation, inspection, maintenance and repair of portable fire extinguishers and fixed fire extinguishing systems must be performed in accordance with NFPA 10, ~~[2018]~~ ***2022*** edition, NFPA 17 and 17A, ~~[2017]~~ ***2021*** editions, and the regulations of and statutes enforced by the State Fire Marshal.

2. Regardless of exceptions contained in the NFPA's applicable standards, the internal components of all portable fire extinguishers except carbon dioxide, wet chemical, halogenated agent, aqueous film forming foams (AFFF) and film forming fluroroprotein foam (FFFP) portable fire extinguishers must be examined at least annually and whenever the service seal has been broken or an inspection indicates that the extinguisher might fail to function.

3. For the recharging of any dry chemical type of extinguishment cylinder to be valid, the serviceperson must date and initial with a permanent marking pen on the topmost exposed portion of the pick-up tube before reassembly and recharging. The date on the pick-up tube must correspond to the date on the exterior service tag. Failure to date and initial the pick-up tube is grounds for the immediate suspension or revocation of a certificate of registration. If possible, a collar tag ring as required by NFPA 10, ~~[2018]~~ ***2022*** edition, or an alternate collar tag ring that is approved by the State Fire Marshal must be installed at the time the extinguisher is recharged or serviced in the following manner:



4. Nitrogen or approved dry air must be used as expellant when recharging dry chemical type extinguishers unless the manufacturer recommends otherwise.

5. Before a fire extinguishing system using a clean agent is accepted, a test as referenced in NFPA 12A, ~~[2015]~~ ***2022*** edition, must be performed and recorded.

6. Within 30 days before the date on which an extinguisher must be serviced, the owner of a portable fire extinguisher may enter into a verbal service agreement for the service of that extinguisher.

7. When servicing portable fire extinguishers, the practice of swapping out a portable fire extinguisher is prohibited. This subsection does not prohibit a serviceperson from removing a portable fire extinguisher to make an off-site repair or to perform hydrostatic testing if the original portable fire extinguisher is returned within 3 business days after the date of removal.

8. Failure to comply with the provisions of this section by a person who holds a certificate of registration is a ground for the immediate suspension or revocation of the certificate of registration, and the person who holds the certificate of registration may be criminally or civilly liable for fraud.

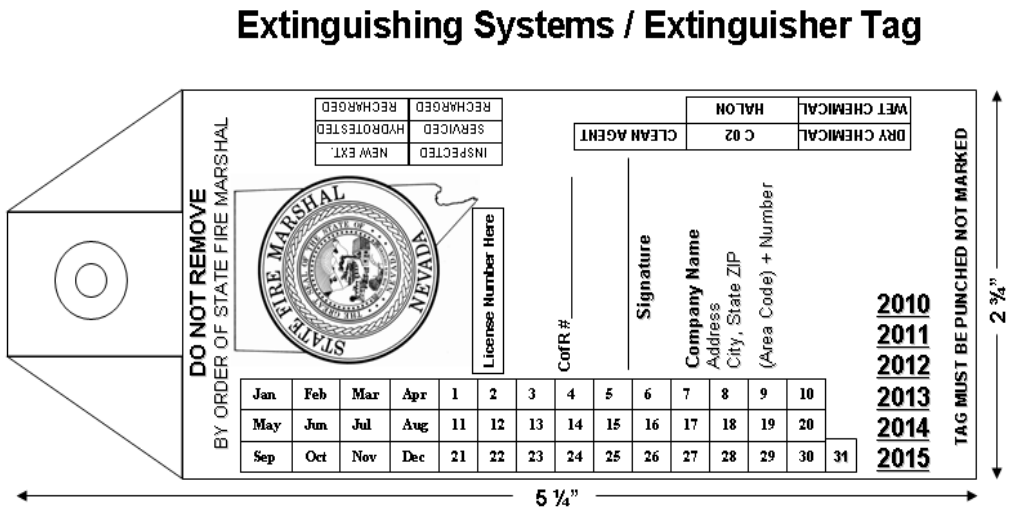
9. As used in this section, “practice of swapping out” means the practice of:

(a) Replacing a new portable fire extinguisher with an older or used portable fire extinguisher; and

(b) Representing that the older or used portable fire extinguisher is a new portable fire extinguisher.

Sec. 21. NAC 477.425 is hereby amended to read as follows:

477.425 1. The tags used as records of service performed on portable fire extinguishers or fixed fire extinguishing systems must be at least 4 inches long and 2 inches wide and must be in the following form:



2. The tag must be punched to indicate the type of service which was performed on the extinguisher or system and the date on which the service was performed. Each tag must be signed with a legible signature by the holder of a certificate of registration and must be:

(a) Attached to the extinguisher or system by wire, string or a plastic tie; or

(b) A self-adhesive tag approved by the State Fire Marshal which is so attached as to be readily visible for inspection,

➥ and such information must remain permanently on the tag. A number stamp or date stamp must not be used on the tag.

3. A label of suitable Mylar or equally durable material must be affixed by a heatless method to each shell of an extinguisher which is not listed by the United States Department of Transportation and which has passed a hydrostatic test. The label must show:

(a) The date on which the hydrostatic test was performed;

(b) The test pressure used; and

(c) The name of the person licensed or certified by the State Fire Marshal which performed the test.

4. Only those labels described in NFPA 10, ~~[2018]~~ ***2022*** edition, and in the regulations of and statutes enforced by the State Fire Marshal may be affixed to a portable fire extinguisher.

5. A sample of the tag and the label must be on file with the State Fire Marshal before they are used in the field.

6. The tag must be printed by a printing company and include the following information:

(a) The date when the system was last serviced.

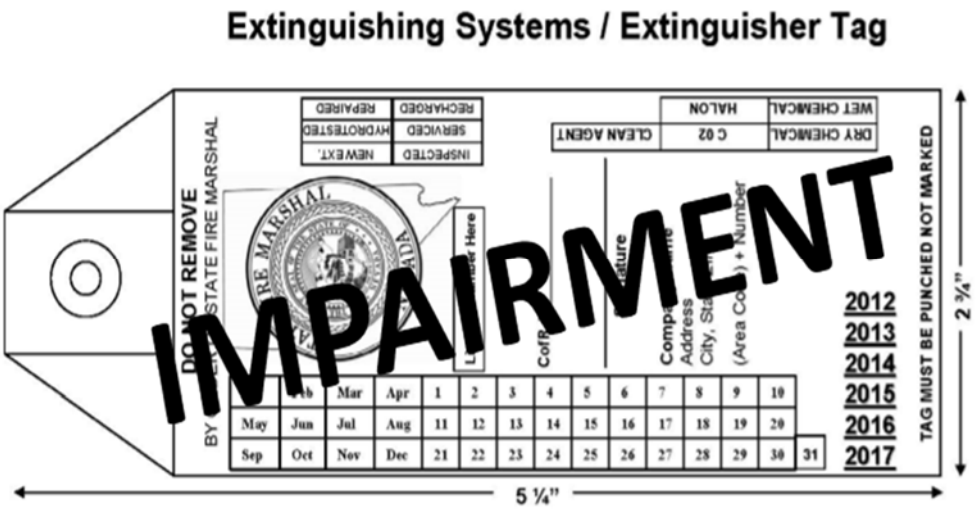
(b) The name, address and telephone number of the company;

(c) The number of the license issued by the State Fire Marshal; and

(d) The name and certificate number of the person who last serviced the system.

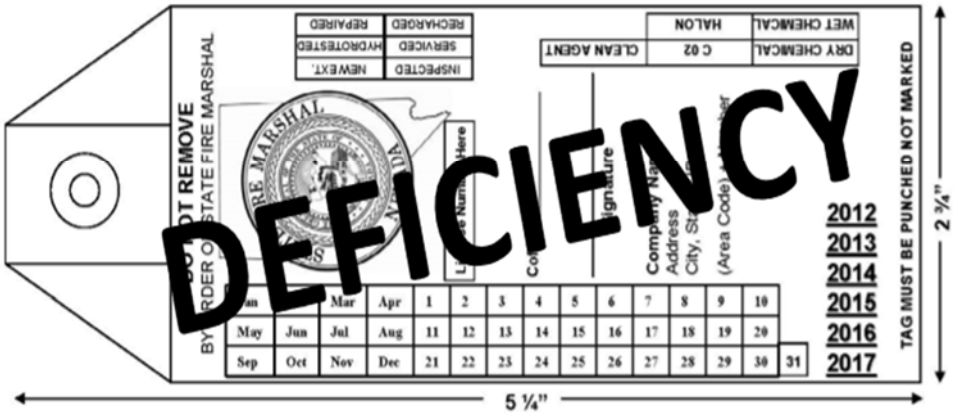
7. If a fixed fire extinguishing system remains impaired and the licensee does not have the authority to correct the impairment, the word “impairment” must be written across the tag in

black letters that are bold. The licensee shall notify the property owner and the authority having jurisdiction of the impairment in writing not later than the next business day after completing the work. The tag with the word "impairment" must be at least 4 inches long and 2 inches wide and must be in the following form:



8. If a deficiency is discovered in the fixed fire extinguishing system, the licensee shall notify the property owner of the deficiency in writing. The word "deficiency" must be written across the tag in black letters that are bold. Upon receiving a notice of deficiency, the property owner shall correct the deficiency within 30 calendar days of such receipt. If the property owner fails to correct the deficiency within 30 calendar days after receiving the notice of deficiency, the licensee shall submit the notice of deficiency to a fire code official within 2 business days after the 30 calendar days expire. The tag with the word "deficiency" must be at least 4 inches long and 2 inches wide and must be in the following form:

Extinguishing Systems / Extinguisher Tag



Sec. 22. NAC 477.441 is hereby amended to read as follows:

477.441 1. A new or relocated portable building must:

(a) Be placed on a surface which is:

(1) Paved or composed of dirt or any other material which is noncombustible; and

(2) Free of combustible material.

(b) Have a skirt that is noncombustible or fire-resistant and which extends from the bottom of the portable building to ground level.

(c) Have a zone of at least 5 feet that extends outward from the bottom of the skirt and which is free of trash, debris, plants or any other combustible material in accordance with section 304 of the *International Fire Code*, ~~[2018]~~ ***2024*** edition.

(d) Be in compliance with section 503.1.2 of the *International Building Code*, ~~[2018]~~ ***2024*** edition.

(e) Have at least two means of egress, as that term is defined by the *International Building Code*, ~~[2018]~~ ***2024*** edition.

(f) Provide illumination for each egress.

(g) Be equipped with a fire extinguisher which has a minimum rating of 2A-10BC.

(h) Be provided with a fire alarm system, as required by the *International Fire Code*, ~~[2018]~~ ***2024*** edition. If the portable building is designated for occupancy as a "Group B occupancy used for educational purposes" or as a "Group E occupancy," the portable building must have an automatic and a manual fire alarm system, which is integrated with the fire alarm system in the primary building.

2. Except as otherwise provided in this subsection, if two or more portable buildings are placed next to each other, there must be no empty spaces between the buildings. If it is physically impossible to place portable buildings next to each other so that there are no spaces between the portable buildings, the space between the portable buildings must have a barrier to prevent combustible materials or debris from entering that space.

3. Flammable or combustible material may not be stored beneath a portable building.

4. Portable buildings may not be joined if there are windows or other openings on the joined wall other than doors that are designed and used as access between the buildings.

5. Portable buildings which abut or are grouped together must not exceed the total area allowed by the *International Building Code*, ~~[2018]~~ ***2024*** edition, for occupancies which are designated as "Type V-B."

Sec. 23. NAC 477.442 is hereby amended to read as follows:

477.442 1. An existing portable building which has only one door to the exterior must be equipped with:

(a) A system for emergency lighting.

(b) An automatic fire sprinkler system as required by NFPA 13, ~~[2016]~~ ***2022*** edition, if:

(1) The maximum legal occupancy of the building exceeds 50 persons; or

(2) More than two portable buildings are joined together to be used for classrooms or assembly.

2. All other portable buildings must:

(a) Be in compliance with the codes for building, fire and life safety as adopted by this chapter or by the authority having jurisdiction, whichever are more restrictive.

(b) Be equipped with a fire extinguisher which has a minimum rating of 2A-10BC.

(c) Have an automatic and a manual fire alarm system if:

(1) The maximum legal occupancy of the joined portable buildings exceeds 50 persons; or

(2) Three or more portable buildings are joined together.

(d) Have all alarm signals installed and connected to a main alarm system as required by NFPA 72, ~~[2016]~~ ***2022*** edition.

(e) If the portable building is part of a campus or complex for which the main alarm system is equipped with a voice evacuation system, have each alarm signal described in paragraph (d) equipped with a voice evacuation system.

(f) If smoke detectors are required, have those detectors interconnected with the fire alarm system.

(g) If the portable building is used as a classroom or for any other purpose relating to education, have and maintain plans for fire drills and evacuation, which must be posted as prescribed by NRS 392.450 or 394.170, as applicable.

3. Portable buildings discussed in subsection 2 may have an optional key controlled manual fire alarm to reduce the risk of a person operating the manual fire alarm in a manner that the State Fire Marshal determines to be illicit.

4. No change in the use of a portable building described in subsection 2 may be made until the proposed change is reviewed and approved by the authority having jurisdiction for compliance with the adopted codes or this section.

5. A system for heating, ventilating or air-conditioning which:

(a) Is in a portable building described in subsection 2;

(b) Can circulate more than 2,000 cubic feet of air per minute; and

(c) Shuts down automatically,

➥ must be serviced quarterly. Records of the service must be maintained for 2 years for review by the authority having jurisdiction.

Sec. 24. NAC 477.455 is hereby amended to read as follows:

477.455 1. No component or device of an automatic sprinkler system may be sold, leased or installed in this State unless it has been approved, labeled or listed by Underwriters Laboratories Inc., Underwriters' Laboratories of Canada, FM Global or any other testing laboratory approved by the State Fire Marshal as qualified to test such a component or device.

2. Automatic sprinkler systems must comply with the *International Fire Code*, ~~[2018]~~ ***2024*** edition, and the following standards of the NFPA:

(a) "Standard for the Installation of Sprinkler Systems," Standard 13, ~~[2016]~~ ***2022*** edition.

(b) "Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes," Standard 13D, ~~[2016]~~ ***2022*** edition.

(c) "Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies," Standard 13R, ~~[2016]~~ ***2022*** edition.

(d) "Standard for the Installation of Standpipe and Hose Systems," Standard 14, ~~[2016]~~ ***2024*** edition.

(e) "Standard for Water Spray Fixed Systems for Fire Protection," Standard 15, ~~[2017]~~ ***2022*** edition.

(f) "Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems," Standard 16, ~~[2015]~~ ***2019*** edition.

(g) "Standard for the Installation of Stationary Pumps for Fire Protection," Standard 20, ~~[2016]~~ ***2022*** edition.

(h) "Standard for Water Tanks for Private Fire Protection," Standard 22, ~~[2018]~~ ***2023*** edition.

(i) "Standard for the Installation of Private Fire Service Mains and Their Appurtenances," Standard 24, ~~[2016]~~ ***2022*** edition.

(j) "Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems," Standard 25, ~~[2017]~~ ***2023*** edition.

(k) "Standard on Water Mist Fire Protection Systems" Standard 750, ~~[2015]~~ ***2023*** edition.

Sec. 25. NAC 477.460 is hereby amended to read as follows:

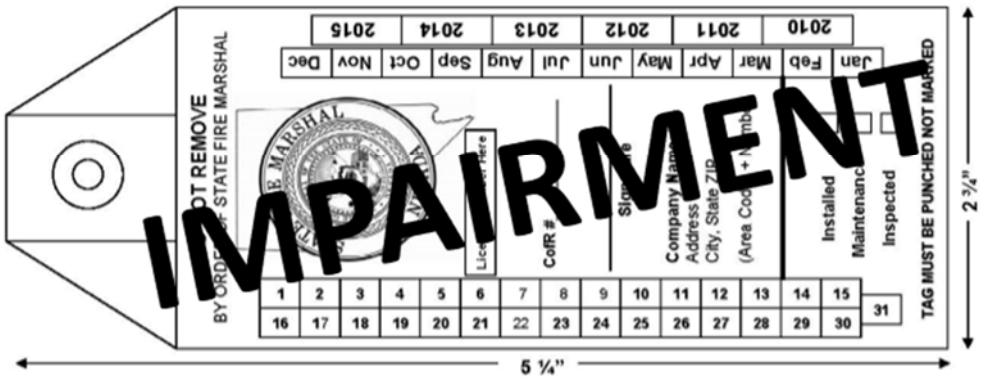
477.460 1. Each automatic fire sprinkler system must be inspected quarterly. One of the quarterly inspections must be termed an annual inspection and be conducted in accordance with

the provisions of subsection 2. The other quarterly visual inspections may be conducted by any responsible person, including an employee of a licensed firm, who, in the opinion of the authority having jurisdiction, has sufficient knowledge of the system to conduct such inspections. The quarterly inspections must conform to the requirements of NFPA 13, ~~[2016]~~ ***2022*** edition, and NFPA 25, ~~[2017]~~ ***2023*** edition. Records of inspection must be kept on-site for review by the State Fire Marshal and the authority having jurisdiction.

2. The annual inspection must be made by a qualified registrant who is an employee of a licensed firm for automatic fire sprinkler systems ~~[.]~~ ***and who is capable of making any necessary repairs.*** The annual inspection must comply with the standards and publications described in subsection 1.

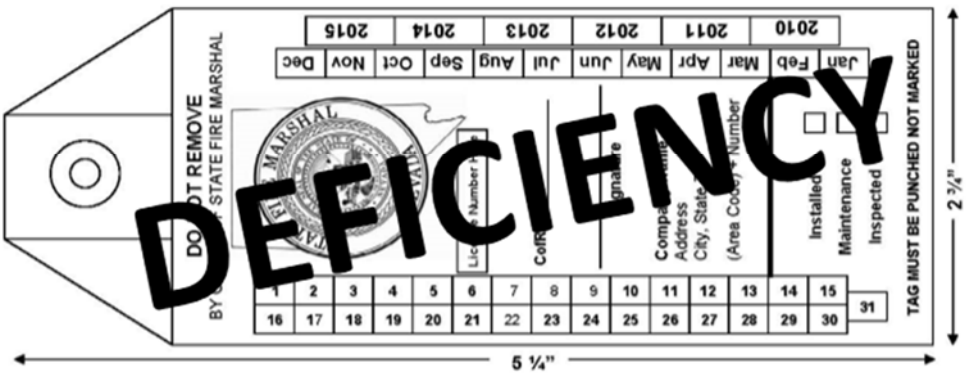
3. If a fire sprinkler system remains impaired and the licensed firm does not have the authority to correct the impairment, the word "impairment" must be written across the tag in black letters that are bold. The licensed firm must notify the property owner and the authority having jurisdiction of the impairment in writing not later than the next business day after completing the work. A tag with the word "impairment" must be at least 4 inches long and 2 inches wide and must be in the following form:

F, G, I, J - Alarm / Sprinkler Tag



4. If a deficiency is discovered in the fire sprinkler system, the licensed firm must notify the property owner of the deficiency in writing. The word "deficiency" must be written across the tag in black letters that are bold. Upon receiving a notice of deficiency, the property owner shall correct the deficiency within 30 calendar days of such receipt. If the property owner fails to correct the deficiency within 30 calendar days after receiving notice of the deficiency, the licensed firm must submit the notice of deficiency to the authority having jurisdiction within 2 business days after the 30 calendar days expire. The tag with the word "deficiency" must be at least 4 inches long and 2 inches wide and must be in the following form:

F, G, I, J - Alarm / Sprinkler Tag



5. A licensed firm must give 30 calendar days' written notice to the owner, the occupant and the authority having jurisdiction before it may discontinue service to the owner or the occupant, or both.

Sec. 26. NAC 477.465 is hereby amended to read as follows:

477.465 1. The distributor, installer or agency to provide service to customers must submit evidence of its capability to repair and restore an automatic sprinkler system within 24 hours after notification of a fire or fault in the system and must repair a system within 24 hours after being notified by the owner that a system requires service. The evidence of that capability is subject to approval by the State Fire Marshal or the authority having jurisdiction. The evidence must demonstrate that the licensee has:

(a) The necessary equipment and personnel appropriately certified by the State Fire Marshal;

(b) The necessary stock of parts and devices;

(c) A valid license issued by the State Contractors' Board;

(d) If applicable, a valid state business license issued by the Secretary of State; and

(e) A certification and approval by the manufacturer from whom the equipment is purchased.

2. Where automatic sprinkler systems are installed for any reason, a satisfactory written agreement for the maintenance of the system must be provided. All systems must be under the supervision of qualified persons. No work may be performed on an automatic sprinkler system unless a holder of a certificate of registration is present to supervise the work. Proper tests and inspections must be made at prescribed intervals, and qualified persons must have general charge of all alterations and additions to the systems under their supervision. A copy of the agreement for maintenance, along with proof that the firm or company which will provide the maintenance is adequately covered by liability insurance, must be submitted by the firm or company to the State Fire Marshal or the authority having jurisdiction.

3. Detailed plans, with the appropriate fees, must be submitted to the State Fire Marshal or the authority having jurisdiction for approval. The specifications must state that the installation will conform to the applicable standards and be approved by the State Fire Marshal or the authority having jurisdiction before the sprinkler system is installed. The specifications must include the specific tests required by the NFPA's standards and the standards required for the approval of the State Fire Marshal or the authority having jurisdiction. Plans must be drawn to an indicated scale or be suitably dimensioned and must be made so that they can be easily reproduced. Plans must contain sufficient detail to enable the State Fire Marshal or the authority having jurisdiction to evaluate the effectiveness of the system. Plans must be submitted to the State Fire Marshal or the authority having jurisdiction before work starts. Where field conditions necessitate any substantial change from the approved plan, the corrected plan showing the system as installed, with the appropriate fees, must be submitted to the State Fire Marshal or the

authority having jurisdiction for approval. The State Fire Marshal or the authority having jurisdiction must inspect and approve any substantial changes before the job is completed. Plans must be on the job site when work is being done pursuant to the plan at that site.

4. Calculations must be established from the applicable design curve for sprinkler systems as shown in NFPA 13 and 13R, ~~[2016]~~ ***2022*** editions. There must be not less than 10 psi additional water pressure above the system demand.

5. All hydrostatic tests of systems and flushing of underground systems must be witnessed by a representative of the State Fire Marshal or the authority having jurisdiction. All portions of the automatic fire sprinkler system, including the underground service from the gate valve, road box or check valve to the riser, must be installed, tested and flushed by a company licensed by the State Fire Marshal to perform this work. A company which holds a current Type G-U license for:

(a) Underground private fire service mains and their appurtenances may provide only the underground private fire service mains and their appurtenances from the gate valve, road box or check valve to the base of the riser or stubbed 5 feet from the base of a building. The company shall provide certification of the contractors' materials and testing to the State Fire Marshal or the authority having jurisdiction upon the completion of the work. The underground services provided and the certification to be provided to the State Fire Marshal or the authority having jurisdiction must meet the requirements of NAC 477.340 to 477.350, inclusive, and the standards of the NFPA for automatic fire sprinkler systems or private fire service mains and their appurtenances, as applicable.

(b) Privately owned fire hydrants may provide only the installation, maintenance, repair and servicing of privately owned fire hydrants. The licensee must also hold a valid license appropriate to the work performed, as issued by the State Contractors' Board, if the licensee installs any new privately owned fire hydrants or performs any maintenance or repair below the first 90-degree flange of a privately owned fire hydrant.

(c) Backflow may provide only the testing on backflow assemblies. The licensee must also hold a certification from the American Water Works Association or another nationally recognized certificate recognized by the State Fire Marshal.

6. Upon completing the installation of an automatic sprinkler system, the licensee shall issue a letter of certification to the authority having jurisdiction. The letter must certify that the system has been installed in accordance with the approved plans and all applicable national, state and local codes. The installer shall properly identify all hydraulically designed automatic sprinkler systems with a permanently attached placard. The placard must show the location and number of sprinkler heads and the density of discharge over the designed area.

Sec. 27. NAC 477.560 is hereby amended to read as follows:

477.560 In all medical facilities, custodial care facilities and restrained care facilities, a device for detection of the products of combustion, other than by detecting heat, must be installed pursuant to section 18.3.4.5 of NFPA 101, ~~[2018]~~ ***2024*** edition.

Sec. 28. NAC 477.562 is hereby amended to read as follows:

477.562 1. The following requirements apply to child care facilities that require inspection and a certificate of compliance to be issued by the State Fire Marshal:

(a) Plans for the construction of new facilities or the remodeling of existing facilities, including, without limitation, plans to construct or remodel fire systems, must be submitted to the authority having jurisdiction for approval before the construction or remodeling begins.

(b) Each facility must be inspected for compliance with applicable fire and safety regulations by the State Fire Marshal before a license to operate the facility is issued. The facility must be inspected annually thereafter and have a current certificate of compliance issued by the State Fire Marshal.

(c) Smoke alarms, or if they are part of a fire alarm system, smoke detectors, approved by the State Fire Marshal must be installed pursuant to the manufacturer's instructions. In newly constructed buildings, smoke alarms or smoke detectors, as applicable, must receive their primary power from the building's wiring, with provision made for the detection of smoke during a power failure. If a smoke alarm or smoke detector powered by a battery is currently installed and it fails, the smoke alarm or smoke detector must be replaced by a smoke alarm or smoke detector which receives its primary power from the wiring of the building and has a battery as a backup source of power.

(d) The State Fire Marshal will calculate the maximum number of occupants permitted in:

(1) A child care center based on an occupancy classification of I-4 or E.

(2) A child care facility based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(3) A child care institution based on an occupancy classification of I-4 or E.

(4) A family home based on an occupancy classification of R-3.

(5) A group home based on an occupancy classification of I-4 for children less than 2 1/2 years of age and R-4 for children 2 1/2 years of age or older.

(e) Smoking is prohibited in any area designated as an "E" occupancy area unless the area has specifically been designated as a smoking area by the authority having jurisdiction. Where smoking is allowed, ashtrays must be provided.

(f) All stairs must be free of obstacles and stored combustible materials. Handrails with turn-ins must be provided if there are two or more steps in any stairway.

(g) Bathroom and closet doors must open from the inside without the need for a key or any special knowledge or effort and must be able to be immediately opened from the outside with the use of an appropriate device hung or placed above or near the door.

(h) Basements in R-3 occupancies used for child care must have at least two unobstructed exits which lead directly to the outside, one of which must open directly at ground level.

(i) Portable fire extinguishers must have a minimum rating of 2A-10BC and must be mounted pursuant to the requirements of:

(1) NFPA 10, ~~[2018]~~ ***2022*** edition, and the requirements of the *International Fire Code*, ~~[2018]~~ ***2024*** edition; or

(2) The authority having jurisdiction.

(j) Heaters, fireplaces or other similar devices in rooms used for child care must be protected from contact with children by a sturdy, noncombustible partition, wire screen or protective metal guard. No portable heating devices are allowed.

(k) All heating equipment and hot water heaters must be:

(1) Enclosed in a manner which prevents children from coming into contact with them; and

(2) Secured as required by the codes and standards adopted by the State Fire Marshal.

(l) Child-resistant covers must be installed on all electrical outlets accessible to children.

(m) Wastebaskets, garbage cans and other containers used to store garbage, waste, rubbish and other combustible materials must be constructed of noncombustible materials and have a tight-fitting lid of the same material. Wastebaskets or other trash containers placed in the designated smoking areas must be constructed of noncombustible materials with a tight-fitting lid of the same material.

(n) No more than 10 gallons of flammable liquid may be stored in any area designated as an "E" area. This flammable liquid must be stored in an approved metal container and out of the reach of children.

(o) Rooms in which equipment is used or where flammable liquids, combustible dust or similar hazardous materials are handled must be separated from other portions of the building by a material which has a rating of at least 1-hour fire barrier and must conform to the requirements of the *International Building Code*, ~~[2018]~~ ***2024*** edition.

2. As used in this section:

(a) "Child care center" has the meaning ascribed to it in NAC 432A.050.

(b) "Child care facility" has the meaning ascribed to it in NAC 432A.060.

(c) "Child care institution" has the meaning ascribed to it in NAC 432A.070.

(d) "Family home" has the meaning ascribed to it in NAC 432A.100.

(e) "Group home" has the meaning ascribed to it in NAC 432A.110.

Sec. 29. NAC 477.566 is hereby amended to read as follows:

477.566 Devices for the detection of the products of combustion, other than heat, must be installed in every building which is used for the care of children. The devices must be installed in accordance with section ~~[907.2.10]~~ ***907.2.11*** of the *International Building Code*, ~~[2018]~~ ***2024*** edition, and NFPA 72, ~~[2016]~~ ***2022*** edition, if so required by the authority having jurisdiction.

Sec. 30. NAC 477.568 is hereby amended to read as follows:

477.568 Child care facilities which are used for child care between the hours of 12 a.m. and 6 a.m. and care for seven or more children must have an automatic sprinkler system installed which conforms to NFPA 13, 13D or 13R, ~~[2016]~~ ***2022*** editions, as applicable, and the requirements of the *International Building Code*, ~~[2018]~~ ***2024*** edition. The automatic sprinkler system must be connected to the fire alarm system so that activation of any portion of the automatic sprinkler system will activate the fire alarm system.

Sec. 31. NAC 477.616 is hereby amended to read as follows:

477.616 1. Licenses will be issued to companies in one or more of the following categories:

(a) A general license permits the licensee to produce commercial displays of fireworks in one or more of the following categories:

(1) Alcohol;

(2) Indoor stage;

(3) Liquid, other than alcohol;

(4) Gel;

(5) Natural gas;

(6) Outdoor aerial;

(7) Propane;

(8) Solid fuels;

(9) Special effects; or

(10) Show specific.

➥ A general license is valid on May 1 or the date on which it is issued, whichever is later. If a licensee does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the license expires and the licensee must apply to the State Fire Marshal for an original license. If a fee for a license is not paid by the time it is due, a late charge of 12 percent per month will be assessed as an administrative fee for processing. The charge will be assessed beginning at the end of the first business day after the fee is due. A licensee may not engage in any work authorized by this chapter or chapter 477 of NRS until the fee is paid.

(b) A limited event license permits a nonprofit organization to produce a specific display of fireworks or series of displays at the time or times and location specified by the license subject to local requirements for a permit. A limited license is valid for the single event or series of events which it specifies.

(c) A nonprofit organization must obtain a limited event license (exempt) from the State Fire Marshal Division before producing a display of fireworks. The limited event license (exempt) must include a description of the event to be held which specifies the location and date of the event. The license will be issued without payment of a fee. The nonprofit organization must:

(1) Show evidence of valid insurance which covers the event or series of events;

(2) Require that all persons who participate in producing the display or series of displays complete a written test approved by the State Fire Marshal or work under the direct supervision of a certified pyrotechnic operator; and

(3) Obtain a certificate of registration for the person who will be responsible for the show and the safety of the participants and spectators.

2. A license issued in one of these categories does not permit the licensee to engage in activities permitted by another, more general, category.

3. In producing a commercial display of fireworks or flame effects, a licensee must:

(a) Obtain any permit or permits required by local authority;

(b) Employ only pyrotechnic operators who are registered with the State Fire Marshal to conduct the display or discharge of the fireworks or flame effects; and

(c) Wear proper safety attire at all times pursuant to NFPA 1123, ~~[2018]~~ ***2022*** edition.

Sec. 32. NAC 477.622 is hereby amended to read as follows:

477.622 1. Before a person may act as an assistant pyrotechnic operator, the person must obtain a certificate of registration as an assistant pyrotechnic operator from the State Fire Marshal. To receive a certificate of registration as an assistant pyrotechnic operator, an applicant must:

(a) Be a natural person who is at least 21 years of age;

(b) Make an application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal;

(c) Pass a written test based on the content of this chapter and NFPA 1123, ~~[2018]~~ ***2022*** edition, NFPA 1124, ~~[2017]~~ ***2022*** edition, NFPA 1126, ~~[2016]~~ ***2021*** edition;

(d) Submit to the State Fire Marshal:

(1) Letters of endorsement from two persons who hold certificates of registration as a pyrotechnic operator issued by the State Fire Marshal; and

(2) A letter from the company which employs the applicant stating that the applicant has worked for the company for at least 90 days or is licensed or certified as an assistant pyrotechnic operator in good standing by another state recognized by the State Fire Marshal; and

(e) Pay an initial fee of $31.

2. A person who holds a certificate of registration as an assistant pyrotechnic operator may load, build and pack any product used in pyrotechnic effects only under the direct supervision of a holder of a certificate of registration as a pyrotechnic operator.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 33. NAC 477.624 is hereby amended to read as follows:

477.624 1. Before a person may act as a pyrotechnic operator, the person must obtain a certificate of registration as a pyrotechnic operator from the State Fire Marshal. To receive a certificate of registration as a pyrotechnic operator, an applicant must:

(a) Be a natural person who is at least 21 years of age;

(b) Make an application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal and pay a fee of $55;

(c) Hold a certificate of registration as an assistant pyrotechnic operator issued by the State Fire Marshal, or be licensed or certified in good standing as a pyrotechnic operator by another state, as approved by the State Fire Marshal;

(d) Pass, with a score of at least 75 percent, a written examination that is based on the content of this chapter, NFPA 1123, ~~[2018]~~ ***2022*** edition, NFPA 1124, ~~[2017]~~ ***2022*** edition, and NFPA 1126, ~~[2016]~~ ***2021*** edition; and

(e) Submit to the State Fire Marshal:

(1) A log which demonstrates that the applicant has worked on at least 15 different shows during the 3 years immediately preceding the date on which he or she applies for the certificate of registration as a pyrotechnic operator;

(2) Letters of endorsement from two persons who hold certificates of registration as a pyrotechnic operator issued by the State Fire Marshal; and

(3) A letter from the company which employs the applicant stating that the applicant has worked for the company for at least 90 days or is licensed or certified as a pyrotechnic operator in good standing by another state recognized by the State Fire Marshal.

2. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 34. NAC 477.631 is hereby amended to read as follows:

477.631 1. Before a person may act as a flame effects assistant to provide flame effects before an audience, the person must obtain a certificate of registration as a flame effects assistant from the State Fire Marshal.

2. An applicant for a certificate of registration as a flame effects assistant must:

(a) Be a natural person who is at least 21 years of age;

(b) Make an application on the form provided, including the application fee of $31;

(c) Indicate on the application which category of certificate the applicant wishes to obtain, such as natural gas, propane, alcohol, liquid other than alcohol, solids or gel, and include the appropriate fee for that category;

(d) Successfully pass, with a score of at least 75 percent, a preliminary written examination which includes questions concerning basic safety from NFPA 160, ~~[2016]~~ ***2021*** edition, and this chapter;

(e) Include with the application letters of endorsement from two persons who hold a certificate of registration as a flame effects operator issued by the State Fire Marshal; and

(f) Include with the application a letter from the company which employs the applicant stating that the applicant has worked for the company for at least 90 days or is licensed or certified as a flame effects assistant in good standing by another state recognized by the State Fire Marshal.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration

expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 35. NAC 477.661 is hereby amended to read as follows:

477.661 1. No person may:

(a) Use or discharge:

(1) A special effect or firework unless the person is a pyrotechnic operator certified by the State Fire Marshal.

(2) A firework of any class or type within 100 feet of stored gasoline or other flammable liquid which is listed as Class I in NFPA 30, ~~[2018]~~ ***2024*** edition, or any other combustible material.

(b) Display or discharge a firework or display flame effects at a commercial display of fireworks or flame effects in such a manner as to endanger any person or in a county where such commercial displays are prohibited.

(c) Discharge fireworks of any class in a county where the discharge of the fireworks is prohibited.

2. If the authority having jurisdiction believes that fireworks or flame effects which create an imminent danger to life or property will be discharged or displayed in violation of this section, the authority having jurisdiction may, without notice, seize the fireworks or materials, devices, equipment and systems used with the flame effects.

3. The authority having jurisdiction will take and retain possession of fireworks seized in accordance with this section and materials, devices, equipment and systems used with the flame effects seized in accordance with this section during any judicial or administrative proceedings

involving the fireworks, materials, devices, equipment or systems and will, upon conclusion of the proceedings, destroy them or return them to the person from whom they were seized as directed in such proceedings.

4. Any person whose fireworks or materials, devices, equipment and systems used with the flame effects are adjudged in any judicial or administrative proceeding to be hazardous will be charged with the expenses incurred in the seizure, transportation, storage and disposal of those fireworks, materials, devices, equipment or systems. This charge constitutes a debt and is collectible by any agency of the State or any of its political subdivisions incurring any such expense in the same manner as if it is an obligation under an express or implied contract.

Sec. 36. NAC 477.663 is hereby amended to read as follows:

477.663 1. No person may maintain or permit the existence of a fire hazard at any location under the person's control where fireworks, flame effects or pyrotechnic compositions are displayed, discharged or stored.

2. A permit issued by the State Fire Marshal is required for the storage of fireworks classified as Division 1.3G, Division 1.4G or Division 1.4S by 18 U.S.C. §§ 841 et seq. and NFPA 1124, ~~[2017]~~ ***2022*** edition, except for:

(a) Fireworks classified as consumer fireworks that are stored at a retail outlet building for sale as approved by the State Fire Marshal or pursuant to a permit issued by the State Fire Marshal after an inspection of the site is made. As used in this paragraph, "building" means any structure utilized or intended for supporting or sheltering any occupancy.

(b) Fireworks for public display or special effects stored at the site of firing for immediate use.

(c) Storage of material for special effects which weighs less than 10 pounds.

3. Fees for permits for storage that are required pursuant to subsection 2 are as follows:

(a) A building for permanent or temporary storage $250

(b) Type 1 magazine..... 250

(c) Type 2, 3 or 4 magazine 132

4. Fireworks must be stored in compliance with the requirements of the *International Building Code*, ~~[2018]~~ ***2024*** edition, the *International Fire Code*, ~~[2018]~~ ***2024*** edition, NFPA 1124, ~~[2017]~~ ***2022*** edition. Material for special effects which weighs less than 750 pounds may be stored in a single-story structure which is fully equipped with fire sprinklers and which otherwise conforms to the requirements for a Type V-A rated building as described in the *International Building Code*, ~~[2018]~~ ***2024*** edition. Material for special effects which weighs 750 pounds or more must be stored in a magazine approved for that purpose.

5. The State Fire Marshal will, as he or she determines necessary, inspect each site used for storage of fireworks to determine if the fireworks are stored properly according to their class or type.

Sec. 37. NAC 477.680 is hereby amended to read as follows:

477.680 No person may sell or offer for sale any portable container for use in the storage or transportation of Class I or Class II flammable or combustible liquids unless the container complies with NFPA 30, ~~[2018]~~ ***2024*** edition.

Sec. 38. NAC 477.710 is hereby amended to read as follows:

477.710 1. Except as otherwise provided in subsection 3, no person may use explosives in blasting operations for commercial construction unless he or she has a certificate of registration

for blasting issued by the State Fire Marshal or is under the direct supervision of a person holding such a certificate. An applicant for a certificate of registration for blasting must:

(a) Meet the criteria outlined in section 5601.4 of the *International Fire Code*, ~~[2018]~~ ***2024*** edition;

(b) Pass a written examination, with a score of at least 75 percent, as determined by the State Fire Marshal;

(c) Pay the applicable fee at the time the applicant submits his or her application;

(d) Submit the following information with the application:

(1) A letter from his or her employer which:

(I) States that the applicant is employed by the employer;

(II) States that the applicant has knowledge of blasting and the safety requirements relating to blasting; and

(III) Requests that the State Fire Marshal issue a certificate of registration for blasting to the applicant;

(2) A current resume;

(3) A copy of each license that is issued by another state and approved by the State Fire Marshal; and

(4) Any other information required by the State Fire Marshal; and

(e) Possess a letter of clearance as a responsible person or possessor of explosives from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

2. The certificate of registration for blasting must be in the possession of the registrant while he or she is performing blasting operations. A registrant must pay the same fee as for an address change for a duplicate of a certificate that has been lost or destroyed.

3. This section does not apply to the use of pyrotechnics governed by other provisions of this chapter or the use of explosives:

(a) By a person engaged in agriculture or ranching for occasional use on his or her property;

(b) By an employee of the State, a local government or the Federal Government who uses explosives for construction in the proper performance of his or her duties; or

(c) In flammable or combustible liquid, in fertilizer and in tools or other devices which are actuated by a propellant.

4. A certificate of registration for blasting must be renewed annually. An applicant for renewal must pay a fee of $66 before the certificate of registration for blasting may be renewed.

Sec. 39. NAC 477.770 is hereby amended to read as follows:

477.770 1. A license must be obtained from the State Fire Marshal to service and clean Type 1 exhaust system grease ducts. A Type 1 exhaust system grease duct has the meaning ascribed to it in the National Fire Codes.

2. To obtain a license to service and clean a Type 1 exhaust system grease duct, an applicant must:

(a) Submit an application;

(b) Provide a sample stick-on label to be approved by the State Fire Marshal Division pursuant to NAC 477.790; and

(c) Pay the applicable fee.

3. To obtain a certificate of registration to service and clean a Type 1 exhaust system grease duct an applicant must:

(a) Pass an examination administered by the State Fire Marshal, with a score of at least 75 percent;

(b) Submit an application;

(c) Pay the applicable fee;

(d) Submit a letter from the company which employs the applicant stating that the applicant works for the company and has knowledge of cleaning a hood and duct system; and

(e) Establish that the applicant has read and understands NFPA 96, ~~[2017]~~ ***2024*** edition, section 11.4, and the applicable provisions of this chapter, and is properly equipped to service and clean Type 1 exhaust system grease ducts.

4. A licensed firm that has obtained a license from the State Fire Marshal to service and clean Type 1 exhaust system grease ducts must also be licensed to do business in the city or county in which it is providing this service.

5. Employees of the licensed firm who are not certified may be allowed to assist in the servicing and cleaning of Type 1 exhaust systems if a person certified by the State Fire Marshal is on the premises and directly supervises such work at all times and the certificate of inspection and maintenance is filled out by that certified person who will accept responsibility for the work.

Sec. 40. NAC 477.780 is hereby amended to read as follows:

477.780 1. A copy of the cleaning contract and cleaning reports for a Type 1 exhaust system must be maintained at the site where the exhaust system is located and made available to the authority having jurisdiction upon request.

2. After inspecting or cleaning a Type 1 exhaust system, a copy of a report describing any deficiencies found in the system or a notice that service was refused or was extended beyond the limitations of the contract must be sent to the authority having jurisdiction by the close of business the next business day. A report describing any deficiencies must specify all deficiencies that were not corrected during the servicing of the system, including, but not limited to:

(a) Excessive grease;

(b) Inaccessible areas;

(c) Access panels which do not comply with code specifications;

(d) Fans that are not commercial or cleanable; and

(e) Missing filters.

➥ The report must be signed by a person representing the owner of the system.

3. When grease or other residues are present within the hood, ducts or devices for the removal of grease, the system must be cleaned in accordance with NFPA 96, ~~[2017]~~ ***2024*** edition, section 11.4.

4. If a cleaning contract expires or if a company chooses not to extend a cleaning contract, the licensee must provide written notice to the authority having jurisdiction not later than the close of business the next business day after the contract expires or is not extended.

Sec. 41. NAC 477.810 is hereby amended to read as follows:

477.810 1. Fire standpipe systems must be inspected annually by a person certified by the State Fire Marshal for fire standpipe systems who works for a firm licensed by the State Fire Marshal to service fire standpipe systems. The annual inspection must conform to the requirements of NFPA 25, ~~[2017]~~ ***2023*** edition.

2. A copy of the annual inspection report must be maintained on-site or electronically and sent to the owner.

3. If an inspection indicates that additional work is required on a fire standpipe system in order to have the system conform to code requirements, the licensed firm must notify the owner and the authority having jurisdiction of the impairment in writing not later than the next business day after the day of the inspection. A tag must be properly signed, punched and attached. The word “impairment” must be written across the bottom of the tag in black letters that are bold.

4. If an inspection discovers a deficiency in the fire standpipe system, the licensed firm must notify the owner of the deficiency in writing. Upon receiving a notice of deficiency, the owner shall correct the deficiency within 30 calendar days of such receipt. If the owner fails to correct the deficiency within 30 calendar days after receiving notice of the deficiency, the licensed firm must notify the owner and the authority having jurisdiction in writing not later than the next business day after the day the person conducting the inspection determines that the deficiency was not corrected as required.

5. Before hydrostatic tests may be conducted on a fire standpipe system, the installer of the fire standpipe system must notify the authority having jurisdiction in such a manner as to provide the authority having jurisdiction with sufficient time to schedule an appointment so that the authority having jurisdiction can be present when the hydrostatic tests are conducted on the fire standpipe system. Tests must be certified by the licensee as meeting code requirements and a copy of that certification must be maintained on-site. A copy of a report describing any deficiencies in the systems found during the testing must be sent to the authority having jurisdiction.

6. The installer of a fire standpipe system shall place a metal tag on the control valve for the system which states the name of the installing company and the date of the installation.

7. Any work done on the system must be done under the supervision of a person who has a certificate of registration for that work. At the conclusion of the service, test, inspection or installation, the person holding a certificate of registration shall sign and place an approved tag on the system control riser. The tag must be punched in an approved manner to indicate the type of service performed on the system and the date it was performed.

Sec. 42. NAC 477.910 is hereby amended to read as follows:

477.910 1. Every new building constructed by or for the State of Nevada must meet or exceed the minimum requirements of this chapter and the codes adopted by the State Fire Marshal.

2. Except as otherwise provided in subsection 3, a new building owned by the State must be equipped with an automatic fire suppression system if the building is:

(a) More than 5,000 square feet in size;

(b) Used for sleeping purposes; or

(c) Otherwise required to be equipped with an automatic fire suppression system pursuant to the *International Fire Code*, ~~[2018]~~ ***2024*** edition.

➥ Rooms in such a new building which are to be used for sleeping purposes must be equipped with smoke detectors. The smoke detectors must receive their primary power from the building's wiring, with provision made for the detection of smoke during a power failure.

3. The provisions of subsection 2 do not apply to:

(a) A noncombustible open parking garage as defined in the building and fire codes and standards adopted by reference in NAC 477.281;

(b) A detached noncombustible shade structure; or

(c) Any structure upon which solar power panels are placed if the structure is erected over a parking lot.

Sec. 43. NAC 477.915 is hereby amended to read as follows:

477.915 1. Every existing state-owned building must:

(a) Comply with the provisions of NRS 477.100 to 477.170, inclusive;

(b) Meet the requirements of the building code in effect when the building was constructed;

(c) If the building:

(1) Regardless of occupancy designation, has a floor area which exceeds 12,000 square feet on any floor or 24,000 square feet on all floors, including any mezzanines; or

(2) Is designated as an R occupancy,

➥ be scheduled for installation of an automatic fire suppression system during the next remodeling of or addition to the building unless the existing building is included in a designated group of buildings, a compound or a campus which has a long-term fire protection improvement plan that has been approved by the State Fire Marshal for the installation of automatic fire suppression systems over an agreed period of time;

(d) Meet the requirements for fire flows contained in this chapter and the *International Fire Code*, ~~[2018]~~ ***2024*** edition; and

(e) Be equipped with noncombustible containers for the disposal of smoking materials in designated smoking areas.

2. Every fire in a state-owned or state-occupied building or area of such a building must be reported immediately to the local fire department, which shall notify the State Fire Marshal of the fire as soon as practicable. A written report of the incident must be filed with the State Fire Marshal Division within 24 hours after the fire. The report must be filed by the state agency affected with the State Fire Marshal, 107 Jacobsen Way, Carson City, Nevada 89711.

3. Upon the failure of a smoke detector which is powered by a battery and installed in a state-owned or state-occupied building, the smoke detector must be replaced by a smoke detector which is connected to the wiring of the building and has a battery as a backup source of power.

4. A person who knowingly violates the provisions of this section is subject to prosecution for a misdemeanor in accordance with NRS 477.250.

Sec. 44. NAC 477.917 is hereby amended to read as follows:

477.917 1. The *International Existing Building Code*, ~~[2018]~~ ***2024*** edition, will be used to determine whether an alteration, repair, addition or change of occupancy of an existing building or structure must comply with the requirements for a new building or structure.

2. Structures existing before November 1, 1994, must comply with the requirements set forth in section ~~[1301.2]~~ ***1302.1*** of the *International Existing Building Code*, ~~[2018]~~ ***2024*** edition.

Sec. 45. NAC 477.920 is hereby amended to read as follows:

477.920 1. Unless otherwise required by state statute or regulation or local ordinance, a new commercial building that has more than 5,000 square feet of floor space must be equipped with an automatic fire suppression system if:

(a) The community or area where the building is located is not served by a water system or utility or cannot produce the required fire flow;

(b) The community or area is not served by an organized fire department that is capable of responding to the report of an alarm at the building within 10 minutes;

(c) The building is not served by a fire apparatus access road; or

(d) The community or area does not meet the requirements of chapter 445A of NAC.

2. An increase in floor space area that is allowed by section 503 of the *International Building Code*, ~~[2018]~~ ***2024*** edition, must be approved by the authority having jurisdiction when a system is installed in compliance with this section.

3. As used in this section:

(a) "Fire apparatus access road" has the meaning ascribed to it in section 503.1 of the *International Fire Code*, ~~[2018]~~ ***2024*** edition.

(b) "Organized fire department" means a fire department that is capable of producing a fire flow of not less than 500 gallons per minute for 30 minutes using pumper tanker operations.

Sec. 46. NAC 477.045 is hereby repealed.

TEXT OF REPEALED SECTION

477.045 "Approved" defined. (NRS 477.030) "Approved" means that the State Fire Marshal has approved a practice or piece of equipment as the result of investigation and tests conducted under his or her supervision or by reason of accepted principles or tests by national authorities or technical or scientific organizations recognized by the State Fire Marshal.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY

NRS 233B.066

LCB FILE R205-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 477

1. **A clear and concise explanation of the need for the adopted regulation.**
   A. Periodic updating of the editions of codes and standards as required by NRS 477.030(1) to allow for new technologies, techniques and materials in construction.
   B. Periodic, comprehensive review and updating, in accordance with NRS 233B.050(1)(e), to the State Fire Marshal Division's regulation in NAC Chapter 477 to comply with existing statute and industry practices, remove outdated requirements and correct spelling and other language issues found during the review. The adopted regulation includes adopting the 2024 code updates, as mandated by NRS 477.030(1) and to incorporate these changes into Nevada Administrative Code (NAC) Chapter 477, specifically within NAC 477.281, thus providing a consistent regulatory framework across all jurisdictions within Nevada.
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.**
   Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject matter as well as any persons who had specifically requested such notice. These documents were also made available at the website of the State Fire Marshal Division, www.fire.nv.us, mailed to all County libraries in Nevada and posted at the following locations: (see Exhibit "A" attached for posting locations) Other interested parties may obtain a copy of the summary by either visiting the state fire marshal website to download the summary or request a copy of the summary directly to the State Fire Marshal.
   A workshop was held in conjunction with a meeting to provide advice on the subject matter established pursuant to NAC 477 on June 17, 2025 and the minutes of that meeting, attached hereto as Exhibit "B", contain a summary of the discussion held

regarding the proposed amendments. There were no proposed amendments. Thereafter, on or about October 29, 2025, the State Fire Marshal Division issued a Notice of Intent to Act Upon a Regulation

3. **The number of persons who:**
   (a) Attended the Workshop on June 17, 2025 – 9
   (b) Attended the Notice of Public Hearing on December 9, 2025 - 11
   (c) Testified at the Workshop on June 17, 2025 – 0
   (d) Testified at the Notice of Public Hearing on December 9, 2025 - 1
   (e) Submitted to the Agency written comments: No written comments were submitted.

   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 is attached as Exhibit "C".
4. **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.**
   Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.
5. **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 regulation was adopted on December 9, 2025 by the State Fire Marshal without change. There was no change to the regulation as industry was in favor of the requirements relating to adopting the 2024 code updates, as mandated by NRS 477.030(1), and to incorporate these changes into Nevada Administrative Code (NAC) Chapter 477, specifically within NAC 477.281, thus providing a consistent regulatory timeframe across all jurisdictions within Nevada.
6. **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
   There are no expected adverse or beneficial effects on business.
   (b) Both immediate and long-term effects
   There are no known immediate or long-term effects on business.

7. **The estimated cost to the Agency for enforcement of the adopted regulation.**
   There is no additional cost to the Agency for enforcement of this adopted regulation.
8. **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.**
   There are no other State or Government agency regulations that the proposed regulation duplicates.
9. **If the regulation includes provisions that are more stringent than a Federal regulation which regulates the same activity, a summary of such provisions.**
   There are no Federal regulations that apply.
10. **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 in an existing fee.

EXHIBIT “A”

http://fire.nv.gov/Boards/Boards/ and http://notice.nv.gov and at the following sites:

- Nevada State Board of Architecture Interior Design and Residential Design, 2080 E Flamingo Road, Suite 120, Las Vegas, NV
- Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Reno, NV
- Carson City Fire Department, 777 South Stewart Street, Carson City, NV
- Carson City Public Library, 900 North Roop Street, Carson City, NV
- Central Lyon County Fire Department, 231 Corral Drive, Dayton, NV
- Churchill Fire Department, 20 N. Carson Street, Fallon, NV
- Clark County Fire Department, 575 East Flamingo Road, Las Vegas, NV
- Clark County Fire Department Training Center, 4425 West Tropicana Avenue, Las Vegas, NV
- Department of Public Safety, 555 Wright Way, Carson City, NV
- East Fork Fire Protection District, 1694 County Road, Minden, NV
- Elko County Fire Protection District, 155 South 9th Street, Elko, NV
- City of Elko Fire Department, 911 West Idaho Street, Elko, NV
- Ely Fire Department, 1780 Great Basin Blvd., Ely, NV
- Henderson Fire Department, 240 Water Street, Henderson, NV
- Las Vegas Fire and Rescue,633 No Mojave Road., Las Vegas, NV
- Lyon County Library System, 20 Nevin Way, Yerington, NV 89447
- Nevada State Library, 100 South Stewart Street, Carson City, NV
- Pahrump Public Library, 701 E Street, Pahrump, NV
- Reno Fire Department, 1 East First Street, Reno, NV
- Sparks Fire Department, 1605 Victorian Avenue, Sparks, NV
- State Fire Marshal Division, 107 Jacobsen Way, Carson City, NV
- Tahoe Douglas Fire Protection District, 193 Elks Point Road, Zephyr Cove, NV
- Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430
- Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419
- Humboldt County Library, 85 E. 5th Street, Winnemucca, NV 89445
- Lincoln County Library, 63 Main Street, PO Box 330, Pioche, NV 89043-0330
- Mineral County Library, PO Box 1390 Hawthorne, NV 89415
- Storey County Treasurer and Clerk’s Office, Drawer D, Virginia City, NV 89440
- Storey County Fire Protection District, 145 N. C Street, Virginia City, NV 89440
- Battle Mountain Branch Library (Lander County), 625 South Broad Street, PO Box 141, Battle Mountain, NV 89820
- Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
- Churchill County Library, 553 South Main Street, Fallon, NV 89406-3306
- Las Vegas-Clark County Library District Headquarters, 7060 W Windmill, Las Vegas, NV 89113
- Douglas County Public Library, 1625 Library Lane, Minden, NV 89423-0337
- Elko County Library, 720 Court Street, Elko, NV 89801-3397
- Lyon County Library, 63 Main Street, Pioche, NV 89043
- Tonopah Public Library (Nye County), PO Box 449, Tonopah, NV 89049
- White Pine County Library, 950 Campton Street, Ely, NV 89301
- Washoe County Library System, 301 South Center Street, Ely, NV 89301

EXHIBIT "B"

MINUTES

Nevada State Fire Marshal Division
June 17, 2025
9:00 a.m.
Location:
Nevada State Fire Marshal Division
107 Jacobsen Way, Classroom C, Carson City, NV 89711 and via TEAMS

Present:

Chief Mike Dzyak, State Fire Marshal Division
Lt. Joe Rodriguez, State Fire Marshal Division
Bureau Chief Albert Ruiz, State Fire Marshal Division
Connie Etchison, State Fire Marshal Division
Dale Way, Truckee Meadows Fire
Sgt. Alex Knaak, State Fire Marshal Division
Nicole Hoekstra, State Fire Marshal Division
Jesselyn De Luna, DAG, State of Nevada (via teams)
Christopher Ganier, Individual (via teams)

1. **CALL TO ORDER** (Non-Action Item). The meeting was called to order at 9:08 a.m. by Lt. Joe Rodriguez.

2. **PUBLIC COMMENT** (Non-Action Item). There were no public comments.

3. **Public input on potential changes for NAC 477 as the Nevada State Fire Marshal Division will be adopting the 2024 International Fire Code and reverting a portion of the 2018 International Code back to base code** (Discussion/For Possible Action): Bureau Chief Albert Ruiz discussed the code adoption there were no comments.

4. **PUBLIC COMMENT** (Non-Action Item). There were no public comments.

5. **ADJOURNMENT** (Discussion/For Possible Action). Lt. Joe Rodriguez adjourned the meeting at 9:13 a.m.

EXHIBIT "C"

NEVADA STATE FIRE MARSHAL DIVISION - WORKSHOP MEETING JUNE 17, 2025 9AM

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

	Signature Attesting Attendance	Name	Title	Company	Telephone Number & E-Mail
1		Mike Dzyak	Chief-State Fire Marshal	State Fire Marshal Div.	775-684-7525 mdzyak@dps.state.nv.us
2	Connie Etchison	Connie Etchison	Executive Asst.	State Fire Marshal Div.	775-684-7525 cetchison@dps.state.nv.us
3		Joe Rodriguez	Lieutenant	State Fire Marshal Div.	775-684-7541 j.rodriguez@dps.state.nv.us
4		Albert Ruiz	Bureau Chief	State Fire Marshal Div.	775-684-7532 albert.ruiz@dps.state.nv.us
5		Nicole Hoekstra	Bureau Chief	SFM	
6		Dale Way	Deputy Fire Chief	TMFPD	775-326-6005 dway@tmfpd.us
7		Alex Knaack	Sergeant	SFM	775-684-7500 aknaack@dps.state.nv.us
8	Christopher Ganier		Individual-via teams		
9	Jesselyn DeLuna	Jesselyn DeLuna	DAG	via teams	jdeluna@ag.nv.gov
10					
11					
12					

NEVADA STATE FIRE MARSHAL DIVISION NOTICE OF PUBLIC HEARING - Dec. 9, 2025

107 JACOBSEN WAY, CARSON CITY, NV AND VIA TEAMS

	Signature Attesting Attendance	Name	Title	Company	Telephone Number & E-Mail
1		Joe Rodriguez	Chief-State Fire Marshal	State Fire Marshal Div.	775-684-7541 j.rodriguez@dps.state.nv.us
2	Connie Etchison	Connie Etchison	Executive Assistant	State Fire Marshal Div.	775-684-7525 cetchison@dps.state.nv.us
3		Alex Knaak	Lieutenant	State Fire Marshal Div.	775-546-5916 aknaak@dps.state.nv.us
4		Albert Ruiz	Bureau Chief	State Fire Marshal Div.	775-684-7532 albert.ruiz@dps.state.nv.us
5	VIA TEAMS	Jesselyn De Luna	DAG	State of Nevada	702-486-8040 jdeluna@ag.nv.gov
6		Jordan Krakowski	Exec Director	PHCC of Nevada	702 375 1417 jkrakowski@phccnv.com
7	Via teams	Lewis Austin	SFM Inspector	SFM	702-486-8844 lewis.austin@dps.state.nv.us
8	Via teams	Prince Carlos		City of Henderson	prince.carlos@cityofhenderson.com
9	Via teams	David Cross		Las Vegas	dcross@lasvegasnevada.gov
10	Via teams	Joshua Gibson		City of Henderson	joshua.gibson@cityofhenderson.com
11	Via teams	Danny Horvat			
12					

SMALL BUSINESS IMPACT STATEMENT
LCB FILE NO. R205-24
October 27, 2025

LCB FILE NO. R205-24 Small Business Impact Statement pursuant to NRS233.0609:

(a) **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.** The Division posted our intent to adopt the proposed regulation on the Division's website. No comments were received by the Division for review.

(b) **The manner in which the analysis was conducted for LCB file No. R205-24.** To keep pace with new methods and technologies, the Nevada State Fire Marshal must adopt newly published fire codes and standards. The State Fire Marshal has notified fire code enforcement agencies throughout the state of Nevada of our intention to adopt a new fire code. No comments were received by the Division for review. The new regulations are strictly administrative in nature and no increase fees for services as listed in NRS 477.030 will be pursued.

(c) **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(1) Both adverse and beneficial effects:

(I) Adverse effects:
None

(II) Beneficial effects:
None

(2) Both direct and Indirect effects

(I) Direct effect:
There are no known direct effects

(II) Indirect effects:
There are no known indirect effects

(d) A description of the methods that the division considered to reduce the impact of LCB File No. R205-24 on small businesses and a statement regarding whether the Fire Marshal Division actually used any part of those methods.
The proposed regulation will not impose a direct impact or economic burden on small businesses. There are no proposed fee increases because of adopting a new fire code.

(e) The estimated cost to the agency for enforcement of the proposed regulation.
No additional estimated costs to the agency for enforcement of the proposed regulation.

(f) If LCB file No. R205-24 provides a new fee or increases an existing fee, the total annual amount the Fire Marshal Division expects to collect and the manner in which the money will be used.
There are no new fees or fee increases to the existing fees.

(g) If LCB file No. R205-24 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.
LCB file No. R205-24 does not duplicate any existing federal, state or local standards regulating the same activity.

(h) The reasons for the conclusions of the Fire Marshal Division regarding the impact of LCB File No. R205-24 on small businesses.
The State Fire Marshal Division has concluded there is no direct or significant impact on small businesses due to the proposed regulation. There were no comments or concerns submitted by industry expressing concern. Also, proposed amendment is administrative in nature with no intent to increase any fees.

I certify that, to the best of my knowledge or belief, the information contained in the Small Business Impact Statement for LCB File No. R205-24 was prepared properly and is accurate..

Respectfully submitted,

Chief Joe Rodriguez – State Fire Marshal

2025

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

FEBRUARY 26, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2025 REGULATIONS		
R001-25	**641**	**BOARD OF PSYCHOLOGICAL EXAMINERS** A REGULATION revising provisions relating to continuing education **CONTACT Laura Arnold (702) 276-0926** **lma.nbope@nvbope.net**
R004-25	**454**	**STATE BOARD OF PHARMACY** A REGULATION establishing provisions relating to advanced emergency medical technicians and paramedics **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R010-25	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to classifications **CONTACT Michelle Garton (775) 220-8122** **mgarton@admin.nv.gov**
R023-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to assessments of pupils who are gifted and talented **CONTACT Alicia Briancon (775) 443-5519** **alicia.briancon@doe.nv.gov**
R030-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION revising provisions relating to residential remodeling **CONTACT Kenya McCampbell (702) 486-1111** **kmccampbell@nscb.state.nv.us**
R031-25	**281/293**	**SECRETARY OF STATE** A REGULATION revising provisions relating to complaints **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R041-25	**641**	**BOARD OF PSYCHOLOGICAL EXAMINERS** A REGULATION establishing provisions of SB 251 (2025) and AB 196 (2025) relating to psychology **CONTACT Laura Arnold (702) 276-0926** **lma.nbope@nvbope.net**

R042-25	**293**	**SECRETARY OF STATE** A REGULATION establishing provisions relating to maintenance of the statewide voter registration list **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R051-25	**519A**	**COMMISSION ON MINERAL RESOURCES** A REGULATION revising provisions relating to the bond pool **CONTACT Rob Ghiglieri (775) 684-7048** **rghiglieri@minerals.nv.gov**
R054-25	**628**	**NEVADA STATE BOARD OF ACCOUNTANCY** A REGULATION revising provisions relating to examinations and licensure **CONTACT Karen Peterson (775) 687-0202** **kpeterson@allisonmackenzie.com**
R055-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION establishing provisions of SB 189 (2025) relating to genetic counselors **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R056-25	**636**	**NEVADA STATE BOARD OF OPTOMETRY** A REGULATION implementing provisions of AB 183 (2025) relating to optometry **CONTACT Adam Schneider (775) 883-8367** **director@nvoptometry.org**
R057-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to Board of Control elections **CONTACT Paul Anderson (775) 827-2000** **panderson@mcllawfirm.com**
R058-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to tennis and flag football **CONTACT Paul Anderson (775) 827-2000** **panderson@mcllawfirm.com**
R059-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to golf tournaments **CONTACT Paul Anderson (775) 827-2000** **panderson@mcllawfirm.com**

R060-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to alternates **CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com**
R062-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising various provisions relating to lacrosse **CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com**
R087-25	**632**	**STATE BOARD OF NURSING** A REGULATION establishing provisions of AB 319 (2025) relating to delegating practitioners **CONTACT Frederick Olmstead (775) 687-7728 folmstead@nsbn.state.nv.us**
R088-25	**293/293C**	**SECRETARY OF STATE** A REGULATION establishing provisions relating to postmarks **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R089-25	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to the waiver or reduction of civil penalties **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R090-25	**293/293B/293C/294A**	**SECRETARY OF STATE** A REGULATION revising various provisions relating to elections **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R095-25	**294A**	**SECRETARY OF STATE** A REGULATION establishing provisions of AB 3 (36th Special Session) relating to campaign expenses for personal security **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**
R103-25	**293**	**SECRETARY OF STATE** A REGULATION establishing provisions governing written challenges **CONTACT Mark Wlaschin (775) 684-5720 mwlaschin@sos.nv.gov**

ADOPTED REGULATION OF THE BOARD OF

PSYCHOLOGICAL EXAMINERS

LCB File No. R001-25

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

AUTHORITY: § 1, NRS 641.100, 641.110 and 641.220.

A REGULATION relating to psychology; revising provisions relating to continuing education requirements to renew a license to practice psychology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of psychology by the Board of Psychological Examiners and requires the Board to adopt regulations regarding continuing education requirements for the renewal of a license to practice psychology. (NRS 641.100, 641.220) Existing regulations require a licensed psychologist to complete 30 hours of continuing education courses approved by the Board in the 2 years immediately preceding the date he or she submits an application for renewal of his or her license. (NAC 641.136) This regulation revises provisions relating to that continuing education requirement to include the acceptance of not more than 15 hours of approved continuing professional development toward the requirement. This regulation also sets forth the types of continuing professional development the Board will accept in satisfaction of the continuing education requirement.

Section 1. NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his or her license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, he or she has completed 30 hours of continuing education **[**~~in courses~~**]** approved by the Board **[**~~. At~~**]** ***, which must include:***

(a) At least 6 hours ~~[must include]~~ ***of*** instruction in scientific and professional ethics and standards, and common areas of professional misconduct ~~[.]~~ ***;***

(b) At least 2 hours ~~[must include]~~ ***of*** instruction in evidence-based suicide prevention and awareness ~~[.]~~ ***;***

(c) At least 6 hours ~~[must include]~~ ***of*** instruction relating to cultural competency and diversity, equity and inclusion ~~[.]~~ ***;***

(d) Not more than 15 hours ~~[may be obtained]~~ ***of instruction*** from an approved home study course ~~[. A licensee may not receive credit for continuing education for a course in which he or she is the instructor.]~~ ***; and***

(e) Not more than 15 hours of approved continuing professional development.

2. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** the Board will accept the following types of continuing education courses or programs ~~[:]~~ ***towards satisfaction of the continuing education required by subsection 1:***

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

(1) The American Psychological Association;

(2) The American Psychiatric Association;

(3) The American Medical Association;

(4) The American Association for Marriage and Family Therapy;

(5) The American Counseling Association;

(6) The International Congress of Psychology; or

(7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Home study courses in psychology or a closely related discipline that are approved by the Board.

3. ***The Board will accept towards satisfaction of the continuing education required by paragraph (e) of subsection 1:***

(a) Not more than 3 hours of continuing education credit in each of the following areas:

(1) One hour of continuing education credit for each hour of peer consultation;

(2) One hour of continuing education credit for each hour of service on the governing board, committee, editorial board, scientific grant review team or in a position of leadership of a psychological association; and

(3) Three hours of continuing education credit for each full day of attendance at a conference or convention related to psychology, where continuing education credits are not earned or offered for attending the conference or convention.

(b) Not more than 6 hours of continuing education credit in each of the following areas:

(1) A number of hours of continuing education credit equivalent to the number of course credits earned in completing a doctoral-level psychology course;

(2) One hour of continuing education credit for teaching a continuing education course that is approved by the Board;

(3) Six hours of continuing education credit for teaching a semester of a graduate-level applied psychology course that is accredited by the American Psychological Association, including preparation of materials for such a course; and

(4) Six hours of continuing education credit for authoring a book, a chapter in a book or a peer-reviewed manuscript in the field of psychology that is accepted for publishing, for each book, chapter or manuscript.

4. Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct, for a course in evidence-based suicide prevention and awareness, or for a course relating to cultural competency and diversity, equity and inclusion, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066
LCB FILE R001-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641.

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

   This regulation was prepared to revise the continuing education requirements for licensure renewal to expand the options for the continuing education required for licensure renewal to include Continuing Professional Development (CPD) in addition to the continuing education programs currently provided in NAC 641.136.

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.**

   Notices of public workshops and notices of intent to act upon the regulation were sent to persons who were known to have interest in the continuing education requirements for licensure renewal, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. That distribution included further information on how to receive a free copy of the proposed regulation. These documents were also made available through the website of the Board of Psychological Examiners (psyexam.nv.gov) or by directly emailing the Board office (NBOP@govmail.state.nv.us), and were posted at the following location:

   State of Nevada
   Board of Psychological Examiners
   3080 South Durango Drive, Ste 102
   Las Vegas, Nevada 89117

   The Board held public workshops on October 11, 2024, December 6, 2024, and January 10, 2025, to discuss the proposed change to the current NAC Chapter 641. During those workshops, the Board received both written and verbal public comment from members of the public in attendance who:

   - Appreciated the efforts to provide for more options for continuing education;
   - Requested non-binary language in the regulation language
   - Sought to clarify the revisions in relation to the number and types of continuing education hours required for renewal
   - Shared concern for the financial burden of continuing education requirements on new graduates and early career psychologists
   - Disagreed with the proposed language that included pro bono work as Continuing Professional Development
   - Requested that the Continuing Professional Development related to teaching be expanded:
     - to other behavioral health professions,

- beyond clinical courses, and
- to gradual (not just doctoral) level classes.

The minutes of those meetings, which can be obtained by contacting the Board office or locating them on the Board's website (psyexam.nv.gov), contain a summary of the discussion regarding the proposed changes.

On September 9, 2025, and November 10, 2025, the Board issued and posted Notices of Intent to Act Upon a Regulation, which incorporated the proposed regulation change that the Board discussed at its October 11, 2024, December 6, 2025, and January 10, 2025, regulations workshops. Those notices included a request for submission of public comment regarding adoption of the regulation.

On October 24, 2025, and December 12, 2025, after the Board received an approved R001-25 draft from the Legislative Counsel Bureau, the Board conducted public hearings on R001-25 during its regular Board meetings. Though the Board received verbal public comment on the proposed regulation, there was no opposition to the adoption of the regulation. The Board approved the adoption of proposed regulation R001-25 at the conclusion of the December 12, 2025, hearing on that regulation.

3. The number of persons who:

(a) Attended each hearing: October 24, 2025 – 13
December 12, 2025 – 15

(b) Testified at each hearing: October 24, 2025 – 1
December 12, 2025 – 1

(c) Submitted to the agency written comments: October 24, 2025 – 0
December 12, 2025 – 0

4. A list of names and contact information, including telephone number, business address, business telephone number, e-mail address, and name of entity or organization represented for each person identified above in #3(b) and (c) (NRS 233B.066(c)(2) & (3)), as provided to the agency:

October 24, 2025:

Dr. Tatsiana Razzhavaikina, a licensee of the Board, is the only member of the public that provided verbal comment during the October 24, 2025, regulatory hearing. Her comments were in the form of inquiries that related back to the written public comment she provided on her letterhead for the Board's December 6, 2024, regulatory workshop (the second of three regulatory workshops on this regulation). The contact information Dr. Razzhavaikina provided on her letterhead is her website, as follows: www.razzhavaikina.com (the specific contact information for Dr. Razzhavaikina being available on her website at: https://razzhavaikina.com/#contacts). Dr. Razzhavaikina's email address is: dr.razzhavaikina.psychologist@gmail.com.

December 12, 2025:

Dr. Tatsiana Razzhavaikina was also the only member of the public who provided comment during the Board's December 12, 2025, hearing, which had been continued from the October 24, 2025, hearing in order to, among other things, respond to the inquiries Dr. Razzhavaikina had during the October 24, 2025, hearing regarding her written public comment that was part of the December 6, 2024, regulation workshop. Dr. Razzhavaikina's public comment during the December 12, 2025, meeting was in the form of gratitude for the work the Board put into expanding continuing education options to include Continuing Professional Development. The contact information provided on the Dr. Razzhavaikina's written public comment for the December 6, 2024, workshop is provided above.

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

The Board solicited comments from affected businesses in the same manner as they were solicited from the public. Notices of the public workshops and notices of the Board's intent to act upon the regulation were sent to persons who were known to have interest in the continuing education requirements for licensure renewal, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. The summary of the Board's discussion may be obtained through the minutes, which will be provided and/or made available by contacting the Board office or locating them on the Board's website (psyexam.nv.gov). The Board received written and verbal public comment/inquiry as noted and outlined above.

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.**

As drafted, R001-25 reflected changes from the initial proposed language that had been drafted for and considered during the public workshops based upon, among other things, public comment and input during those workshops. As a result, there were no changes proposed for R001-25, and the Board approved its adoption as provided in the R001-25 LCB draft.

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 be included:**

a) Adverse, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate adverse effects from this regulation on its licensees, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more expensive than the other approved continuing education options.

Adverse, long-term: The Board does not regulate businesses. Be that as it may,

because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate adverse effects from this regulation on its licensees, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more expensive than the other approved continuing education options.

b) Beneficial, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate beneficial economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are less expensive than the other approved continuing education options.

Beneficial, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term beneficial economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are less expensive than the other approved continuing education options.

c) Direct, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate direct economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

Direct, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term direct economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

d) Indirect, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate indirect economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

Indirect, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term indirect economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

8. The estimated cost to the agency for enforcement of the adopted regulation.

To the extent that the revised regulation would require enforcement, there will be no increased cost for enforcement of the changes.

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

   The Board is not aware of any overlapping or duplicating of federal or state 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.**

    The Board is not aware of any federal regulations that apply.

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.**

    R001-25 does not provide for a new fee or increase in an existing fee.

The State of Nevada Board of Psychological Examiners approved and adopted the regulation on December 12, 2025.

NRS 233B Statements
R001-25

Statement pursuant to NRS 233B.0608(3)

The Board of Psychological Examiners' determination is that the regulation does not: (1) impose a direct and significant economic burden upon a small business; or (2) directly restrict the formation, operation or expansion of a small business.

Reasons for that are: The Nevada Board of Psychological Examiners (Board) conducted regulation workshops on October 11, 2024, December 6, 2024, and January 10, 2025, and public hearings on October 24, 2025, and December 12, 2025.

- In attendance at the October 11, 2024, December 6, 2024, and January 10, 2025, workshops were 12, 13, and 13 members of the public, respectively; 5, 5, and 5 Board members, respectively; Board counsel; and Board staff. At the public workshops, there was written and verbal public comment from a combined total of four members of the public related to the proposed regulation revision, at least two of whom provided written and/or verbal public comment at more than one regulation workshop.
- On October 24, 2025, and December 12, 2025, after it received the R001-25 draft from the Legislative Counsel Bureau, the Board conducted two public hearings that included 13 and 15 members of the public, respectively, 6 and 4 Board members, respectively, Board counsel and Board staff. The Board received verbal public comment from one member of the public related to R001-25 during the regulation hearings. The Board approved the adoption of the regulation revision at the conclusion of the December 12, 2025, hearing.

The proposed regulation was provided to all impacted parties through the public workshop and hearing notices. The workshop and hearing notices were sent to persons who were known to have an interest in the regulation's content, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. During the October 11, 2024, December 6, 2024, and January 10, 2025, regulation workshops and the October 24, 2025, and December 12, 2025, regulation hearings, members of the public who commented on the proposed regulation made suggestions regarding, inquired about, and/or otherwise addressed the substance of the proposed revisions that sought to expand continuing education options required for renewal for its licensees. The public comment provided did not include any impact the proposed regulation would have on small businesses. As a result, and notwithstanding that the Board does not regulate businesses, there was no basis on which the Board could conclude that there would be a direct or significant impact on small businesses.

The regulation workshops and hearing notices were published at the following location:

State of Nevada Board of Psychological Examiners
3080 South Durango Drive, Ste 102
Las Vegas, Nevada 89117

Notices were also posted to the Board's website (psyexam.nv.gov), to the Nevada Public Notice website (https://notice.nv.gov/), and were sent to all persons who were known to have an interest in the regulation, to the Board's licensees, and to all persons who had requested notice. No small business concerns were registered with the Board.

I, Sarah J. Restori, Executive Director for the State of Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

Sarah Restori
Sarah J. Restori
Nevada Board of Psychological Examiners

Statement Pursuant to NRS 233B.0609(1)

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.**

The workshop and hearing notices were sent to persons who were known to have an interest in the continuing education requirements for licensure renewal, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. Those notices included information on how to receive a free copy of the proposed regulation, and the regulation documents were also made available through Nevada Board of Psychological Examiners' website (psyexam.nv.gov) or by directly emailing the Board office NBOP@govmail.state.nv.us, and posted at the following location:

State of Nevada Board of Psychological Examiners
3080 South Durango Drive, Ste 102
Las Vegas, Nevada 89117

The Board held workshops on October 11, 2024, December 6, 2024, and January 10, 2025, to discuss the proposed revision to the current NAC Chapter 641. The minutes of those meetings that included those workshops, which can be obtained by contacting the Board office or locating them on the Board's website (psyexam.nv.gov), contain a summary of the discussion regarding the proposed change. The Board received both written and verbal public comment from a combined total of four members of the public during those workshops, through which those members of the public:

- Appreciated the efforts to provide for more options for continuing education;
- Requested non-binary language in the regulation language
- Sought to clarify the revisions in relation to the number and types of continuing education hours required for renewal
- Shared concern for the financial burden of continuing education requirements on new graduates and early career psychologists
- Disagreed with the proposed language that included pro bono work as Continuing Professional Development
- Requested that the Continuing Professional Development related to teaching be expanded:
    - to other behavioral health professions,
    - beyond clinical courses, and
    - to gradual (not just doctoral) level classes.

On September 9 , 2025, and November 10, 2025, the Board issued and posted Notices of the Board's Intent to Act Upon a Regulation, which incorporated the proposed regulation changes that the Board discussed at its October 11, 2024, December 6, 2024, and January 10, 2025, regulation workshops. Those notices included a request for submission of public comment regarding adoption of the regulation.

On October 24, 2025, and December 12, 2025, after the Board received the R001-25 draft from the Legislative Counsel Bureau, the Board conducted a public hearing on R001-25 during its regular Board meetings. The minutes of those meetings, which can be obtained through contacting the Board office or locating them on the

Board's website (psyexam.nv.gov), contain a summary of the discussion regarding the proposed changes. The Board received public comment from one member of the public during those regulation hearings in which that member of the public posed inquiries regarding the substance of the regulation during the October 24, 2025, hearing, which were answered during the December 12, 2025, hearing, and ultimately expressed gratitude for the work of the Board in expanding continuing education options for its licensees. The Board approved the adoption of proposed regulation R001-25 at the conclusion of its December 12, 2025, hearing.

2. The manner in which the analysis was conducted.

As noted above, the Board conducted public regulation workshops during its October 11, 2024, December 6, 2024, and January 10, 2025, regular meetings to discuss language changes to the current NAC Chapter 641. The minutes of those workshops and meetings, which are available on the Board's website (psyexam.nv.gov) or can be obtained by contacting the Board office at NBOP@govmail.state.nv.us, contain a summary of the Board's discussion regarding the proposed language change. The Board received written and verbal public comment from a combined total of four members of the public during those regulation workshops, at least two of whom provided public comment at more than one workshop.

After it received the R001-25 draft from the Legislative Counsel Bureau, the Board posted and issued Notices of the Board's Intent to Act Upon a Regulation, which incorporated the proposed regulation amendments discussed at the October 11, 2024, December 6, 2024, and January 10, 2025, regulation workshops.

The Board conducted its public regulation hearings during its October 24, 2025, and December 12, 2025, meetings, during which it received verbal comment from one member of the public at both regulation hearings.

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

a) Adverse, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate adverse effects from this regulation on its licensees, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more expensive than the other approved continuing education options..

Adverse, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate adverse effects from this regulation on its licensees, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more expensive than the other approved continuing education options..

b) Beneficial, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate beneficial economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are less expensive than the other approved continuing education options.

Beneficial, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term beneficial economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal

periods are less expensive than the other approved continuing education options.

c) Direct, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate direct economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

Direct, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term direct economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

d) Indirect, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated immediate indirect economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

Indirect, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R001-25 expand the options for licensees to complete their continuing education for renewal, there are no known or estimated long-term indirect economic effects in this regulation, except to the extent that any continuing professional development options a licensee chooses for renewal for upcoming renewal periods are more or less expensive than the other approved continuing education options.

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.**

Because there was no basis on which the Board could conclude there would be an impact on small businesses, no impact methods were considered.

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

To the extent that the revised regulation would require enforcement, there will be no increased cost for enforcement of the changes.

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.**

R001-25 does not provide for a new fee or increase in an existing fee.

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.**

The Board is not aware of any overlapping or duplicating of federal or state regulations.

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

businesses.

The Board conducted a public workshops during its October 11, 2024, December 6, 2024, and January 10, 2025, regular meetings. In attendance at those workshops were 12, 13, and 13, members of the public, respectively; 5, 5, and 5 Board members, respectively; Board counsel; and Board staff. The Board received written and verbal comment related to the regulation from a combined total of four members of the public, none of which addressed any impact on small busiensses.

The Board conducted public regulation hearings during its October 24, 2025, and December 12, 2025, meetings. In attendance at that hearing were 13 and 15 members of the public, respectively; 6 and 4 Board members, respectively; Board counsel; and Board staff. The Board received verbal public comment from one member of the public at both regulation hearings. That public comment did not address any impact on small businesses. The Board approved the adoption of the regulation revision at the conclusion of the December 12, 2025, hearing.

I, Sarah J. Restori, Executive Director for the State of Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

Sarah Restori
Sarah J. Restori
Nevada Board of Psychological Examiners

R004-25

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R004-25

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

AUTHORITY: § 1, NRS 454.213 and 639.070.

A REGULATION relating to dangerous drugs; authorizing an advanced emergency medical technician or paramedic to possess and administer dangerous drugs under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an advanced emergency medical technician or paramedic to possess and administer dangerous drugs as provided by regulation of the State Board of Pharmacy. (NRS 454.213) This regulation governs the circumstances under which such a person may administer a dangerous drug to a patient in a hospital or correctional institution. Specifically, this regulation authorizes an advanced emergency medical technician or paramedic to possess and administer a dangerous drug to a patient in a hospital or correctional institution if: (1) the hospital or correctional institution has adopted a written policy and protocol governing such possession and administration; (2) the dangerous drug is administered pursuant to an order issued by a practitioner; and (3) certain other requirements are met.

Section 1. Chapter 454 of NAC is hereby amended by adding thereto a new section to read as follows:

An advanced emergency medical technician or paramedic may possess and administer a dangerous drug to a patient in a hospital or correctional institution if:

1. The hospital or correctional institution has adopted written policies and protocols governing the possession and administration of dangerous drugs; and

2. The advanced emergency medical technician or paramedic:

(a) Holds a current and valid certification issued pursuant to chapter 450B of NRS;

(b) Administers the dangerous drug pursuant to an order issued by a practitioner; and

(c) Complies with:

(1) The policies and protocols described in subsection 1; and

(2) All applicable provisions of chapters 450B and 454 of NRS and any regulations adopted pursuant thereto.

R004-25
January 21, 2026

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

This proposed regulation expands the scope of practice for an advanced emergency medical technician and paramedic in hospitals and correctional institutions. The proposed regulation will permit advanced emergency medical technician and paramedic to possess and administer dangerous drugs in a hospital or correctional institution according to the hospital or correctional institution's adopted written policies and protocols and pursuant to an order issued by a practitioner. This expanded scope of practice will increase patient care access and assist in alleviating clinical staffing shortages in hospitals and correctional institutions.

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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received the following comments:

- Elizabeth Bickle, Registered Nurse and a union member for National Organizing Committee (NNOC), is not in favor of the proposed regulation. She stated the proposed regulation would endanger patients by allowing paramedics to administer drugs in the hospital setting. She further stated that paramedics are valuable first responders, but their cerification training is for pre-hospital emergency care followed by a hand off to to doctors or nurses when the patient arrives at the hospital. Nursing education programs require registered nurses to complete two years of classroom education including training and pharmacology, and Ms. Bickle's nursing program required about a thousand hours of clinical training in various hospital settings. In addition, registered nurses need to have the relevant clinical compentencies for the patient areas that they work in.

Nursing assessments are a principal duty as a registered nurse, and ongoing patient assesmment allow a nurse to determine if a patient's condition is improving or worsening and to anticipate complications. Medication administration is a high risk procedure and is prone to errors, complications, and can be fatal to a patient, and requires ongoing assessment by a nurse. Ms. Bickle does not believe the Board has the authority to allow parademics to administer drugs in a hospital setting. This year the legislature failed to pass SB495 which would have allowed paramedics to provide services in the hospital, and the Legislature acted appropriately. Ms. Bickle believes that the Board should not expand paramedics practice setting to the hospitals.

- Arielle Hernandez, Regulatory Policy Specialist with National Nurses Organizing Committee (NNOC) – Nevada, is not in favor of the proposed regulation. It would endanger patients by allowing parademics to help administer controlled substances to patients in a hospital setting. NNOC request the Board to withdraw the proposed regulation for the following reasons: 1) parademics are valuable first responders but do not have the clinical education and experience required to care for patients in a hospital setting. They are trained in pre-hospital care specifically to stabilize a patient during transport until nurses and physicians take over at the hospital. Registered Nurses have the clinical education and experience to do ongoing assessments when administering medication to monitor a patient condition to determine whether their condition is improving or to anticipate potential complications. Administration of controlled susbtances is a high risk procedure and requires ongoing assessments by registered nurses in the direct care context. 2) paramedics have no authorization under existing law to provide services in the hospital setting once a hospital takes responsibility of a patient. SB495 would have allowed paramedics to provide services in the hospital setting, but the regulation failed to pass. 3) Not withstanding the Board's authority to regulate administration of controlled substances by paramedics, the Board lacks the authority to permit paramedics to provide services in the hospital setting generally, and the laws governing emergency medical services heavily restrict the setting where parademics can provide services. 4) NNOC request the Board focus on nursing retention and recruitment rather than shifting care to parademics. Ms. Hernandez submitted written public comment to the Board for review, as well.

- Adam Hart, Registered Nurse and union member for National Nurses Organizing Committee (NNOC), is not in favor of the proposed language. He states it would threaten patient safety. Paramedics and registered nurses are crucial to the healthcare system, but they both play different roles. The setting and timeframes differ dramatically. Parademics are valuable but follow specific protocols and often use a limited set of medications. While registered nurses care for patients over a multiple day continuum, sometimes medications take time to take effect and health conditions can change during the course of the patient's treatment. The administering of medication is not just about getting prescribed medications into the patients body, but it requires professional judgement to help keep patients safe. Without professional judgment then there is a risk of medication

error and mortality would increase. Before administering medications, registered nurses review several factors of the patient to prevent medication errors. Mr. Hart assumes this proposed regulation is due to not having enough registered nurses in Nevada, but Nevada has seen a 38% increase of active RN licenses in Nevada since 2020 according to data from the National Council of State Board of Nursing. The issue isn't Nevada having a shortage of nurses, but it has a understaffing crisis and the focus should be on nursing retention. Registered nurses are seeking ratios to provide safe care, and it would improve nurse retention and could be the solution rather than replacing nurses with paramedics in the hospital setting.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 71
The number of persons who testified at the hearing was: 3
The number of agency submitted statements was: 1
The name of persons who testified at the hearing:

- Elizabeth Bickle
- Arielle Hernandez
- Adam Hart

4. 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 on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received the following comments:

- Elizabeth Bickle, Registered Nurse and a union member for National Organizing Committee (NNOC), is not in favor of the proposed regulation. She stated the proposed regulation would endanger patients by allowing paramedics to administer drugs in the hospital setting. She further stated that paramedics are valuable first responders, but their cerification training is for pre-hospital emergency care followed by a hand off to to doctors or nurses when the patient arrives at the hospital. Nursing education programs require registered nurses to complete two years of classroom education including training and pharmacology, and Ms. Bickle's nursing program required about a thousand hours of clinical training in various hospital settings. In addition, registered nurses need to have the relevant clinical compentencies for the patient areas that they work in. Nursing assessments are a principal duty as a registered nurse, and ongoing patient assesmment allow a nurse to determine if a patient's condition is improving or worsening and to anticipate complications. Medication administration is a high risk procedure and is prone to errors, complications, and can be fatal to a patient, and requires ongoing assessment by a nurse. Ms. Bickle does not believe the Board has the authority to allow parademics to administer drugs in a hospital setting. This year the legislature failed to pass SB495 which would have allowed paramedics to provide services in the hospital, and the Legislature acted appropriately. Ms. Bickle believes that the Board should not expand paramedics practice setting to the hospitals.

- Arielle Hernandez, Regulatory Policy Specialist with National Nurses Organizing Committee (NNOC) – Nevada, is not in favor of the proposed regulation. It would endanger patients by allowing parademics to help administer controlled substances to patients in a hospital setting. NNOC request the Board to withdraw the proposed regulation for the following reasons: 1) parademics are valuable first responders but do not have the clinical education and experience required to care for patients in a hospital setting. They are trained in pre-hospital care specifically to stabilize a patient during transport until nurses and physicians take over at the hospital. Registered Nurses have the clinical education and experience to do ongoing assessments when administering medication to monitor a patient condition to determine whether their condition is improving or to anticipate potential complications. Administration of controlled susbtances is a high risk procedure and requires ongoing assessments by registered nurses in the direct care context. 2) paramedics have no authorization under existing law to provide services in the hospital setting once a hospital takes responsibility of a patient. SB495 would have allowed paramedics to provide services in the hospital setting, but the regulation failed to pass. 3) Not withstanding the Board's authority to regulate administration of controlled substances by paramedics, the Board lacks the authority to permit paramedics to provide services in the hospital setting generally, and the laws governing emergency medical services heavily restrict the setting where parademics can provide services. 4) NNOC request the Board focus on nursing retention and recruitment rather than shifting care to parademics. Ms. Hernandez submitted written public comment to the Board for review, as well.

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Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

5. 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 meets the requirements and was adopted with no changes.

6. 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.

   There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by increasing access to patient care.

   B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

   Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by increasing access to patient care.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time.

8. 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 Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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.

There is no fee assessed with this proposed regulation.

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

LCB File No. R004-25

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.

This proposed regulation expands the scope of practice for an advanced emergency medical technician and paramedic in hospitals and correctional institutions. The proposed regulation will permit advanced emergency medical technician and paramedic to possess and administer dangerous drugs in a hospital or correctional institution according to the hospital or correctional institution's adopted written policies and protocols and pursuant to an order issued by a practitioner. This expanded scope of practice will increase patient care access and assist in alleviating clinical staffing shortages in hospitals and correctional institutions.

The Board, through its executive staff and legal counsel, have carefully examined the proposed amendment and have determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board also provided time for public comment at the workshop(s) concerning the proposed amendment. The Board also provided time for public comment at the workshop(s) concerning the proposed amendment and received the below comments:

- Elizabeth Bickle, Registered Nurse and a union member for National Organizing Committee (NNOC), is not in favor of the proposed regulation. She stated the proposed regulation would endanger patients by allowing paramedics to administer drugs in the hospital setting. She further stated that paramedics are valuable first responders, but their cerification training is for pre-hospital emergency care followed by a hand off to to doctors or nurses when the patient arrives at the hospital. Nursing education programs require registered nurses to complete two years of classroom education including training and pharmacology, and Ms. Bickle's nursing program required about a thousand hours of clinical training in various hospital settings. In addition, registered nurses need to have the relevant clinical compentencies for the patient areas that they work in. Nursing assessments are a principal duty as a registered nurse, and ongoing patient assesmment

allow a nurse to determine if a patient's condition is improving or worsening and to anticipate complications. Medication administration is a high risk procedure and is prone to errors, complications, and can be fatal to a patient, and requires ongoing assessment by a nurse. Ms. Bickle does not believe the Board has the authority to allow parademics to administer drugs in a hospital setting. This year the legislature failed to pass SB495 which would have allowed paramedics to provide services in the hospital, and the Legislature acted appropriately. Ms. Bickle believes that the Board should not expand paramedics practice setting to the hospitals.

- Arielle Hernandez, Regulatory Policy Specialist with National Nurses Organizing Committee (NNOC) – Nevada, is not in favor of the proposed regulation. It would endanger patients by allowing parademics to help administer controlled substances to patients in a hospital setting. NNOC request the Board to withdraw the proposed regulation for the following reasons: 1) parademics are valuable first responders but do not have the clinical education and experience required to care for patients in a hospital setting. They are trained in pre-hospital care specifically to stabilize a patient during transport until nurses and physicians take over at the hospital. Registered Nurses have the clinical education and experience to do ongoing assessments when administering medication to monitor a patient condition to determine whether their condition is improving or to anticipate potential complications. Administration of controlled susbtances is a high risk procedure and requires ongoing assessments by registered nurses in the direct care context. 2) paramedics have no authorization under existing law to provide services in the hospital setting once a hospital takes responsibility of a patient. SB495 would have allowed paramedics to provide services in the hospital setting, but the regulation failed to pass. 3) Not withstanding the Board's authority to regulate administration of controlled substances by paramedics, the Board lacks the authority to permit paramedics to provide services in the hospital setting generally, and the laws governing emergency medical services heavily restrict the setting where parademics can provide services. 4) NNOC request the Board focus on nursing retention and recruitment rather than shifting care to parademics. Ms. Hernandez submitted written public comment to the Board for review, as well.

- Adam Hart, Registered Nurse and union member for National Nurses Organizing Committee (NNOC), is not in favor of the proposed language. He states it would threaten patient safety. Paramedics and registered nurses are crucial to the healthcare system, but they both play different roles. The setting and timeframes differ dramatically. Parademics are valuable but follow specific protocols and often use a limited set of medications. While registered nurses care for patients over a multiple day continuum, sometimes medications take time to take effect and health conditions can change during the course of the patient's treatment. The administering of medication is not just about getting prescribed medications into the patients body, but it requires professional judgement to help keep patients safe. Without professional judgment then there is a risk of medication error and mortality would increase. Before administering medications, registered nurses review several factors of the patient to prevent medication errors. Mr. Hart assumes this proposed regulation is due to not having enough registered nurses in Nevada, but Nevada has seen a 38% increase of active RN licenses in Nevada since 2020 according to data from the National Council of State Board of Nursing. The issue isn't Nevada having a

shortage of nurses, but it has a understaffing crisis and the focus should be on nursing retention. Registered nurses are seeking ratios to provide safe care, and it would improve nurse retention and could be the solution rather than replacing nurses with paramedics in the hospital setting.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

2. The manner in which the analysis was conducted.

Board Staff analyzed the regulation to determine whether it could perceive a direct and significant economic burden on pharmacies, which are the businesses most likely to be affected by the regulation. It also analyzed whether the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, but the comments received could not be perceived or analyzed to have direct and/or significant economic burden on pharmacies.

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; and

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by increasing access to patient care.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be beneficial by increasing access to patient care.

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 Board anticipates no significant adverse economic impact from R004-25 on legitimate Nevada businesses, so no alternative methods of regulation are deemed necessary.

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

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since.

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.

The regulation amendment does not assess any new 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.

The regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

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

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small businesses. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, and the comments received could not be perceived or analyzed to have direct and/or significant economic burden on pharmacies.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.

The Board, through it executive staff and legal counsel, carefully examined the regulation and determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

In reaching that conclusion, the Board solicited comment on the regulation by (1) posting notice, with a link to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small business. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Absent any evidence, the Board concluded that no such impacts are likely to exist.

I hereby certify that 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 the statement was prepared properly and is accurate.



J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy

ADOPTED REGULATION OF

THE HUMAN RESOURCES COMMISSION

LCB File No. R010-25

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

AUTHORITY: § 1, NRS 284.065 and 284.155.

A REGULATION relating to state human resources; revising the definition of "significant change" for the purpose of the classification of certain positions; revising provisions relating to the effective date of a classification decision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to prepare, maintain and revise a master classification plan for all positions in the classified service of the State, based upon similarity of duties and responsibilities. Existing law also provides that the classification plan and changes therein are subject to approval by the Human Resources Commission. (NRS 284.160) Finally, existing law requires the Human Resources Commission to adopt a code of regulations for the classified service. (NRS 284.155)

Existing regulations provide for the creation of a new class or the reallocation or reclassification of an existing class or position if a significant change in the duties and responsibilities assigned to the position has occurred or may occur. Under existing regulations, "significant change" is defined to mean a change in the duties and responsibilities assigned to a position in a class that: (1) is outside of the scope of the class as described by the class specification; (2) is not part of the scope of responsibility of the position; and (3) results in the preponderance of duties and responsibilities being allocated to a different class. (NAC 284.126) **Section 1** of this regulation revises the definition of "significant change" to instead require the change to result in the majority, instead of the preponderance, of duties and responsibilities being allocated to a different class.

Existing regulations provide that the effective date of a classification decision will be the date on which Form NPD-19 is received by the Division or agency personnel officer unless certain information is received after that date. (NAC 284.126) **Section 1** removes a reference to Form NPD-19 and instead provides that the effective date of a classification decision will be the date on which the appropriate form is received by the Division or agency personnel officer.

Section 1. NAC 284.126 is hereby amended to read as follows:

284.126 1. For the purposes of this section:

(a) "Agency personnel officer" means the Director of Personnel within the Nevada System of Higher Education or any person holding a position in the classified service with the title of Personnel Officer.

(b) "Significant change" means a change in the duties and responsibilities assigned to a position in a class that:

(1) Is outside of the scope of the class as described by the class specification;

(2) Is not part of the scope of responsibility of the position; and

(3) Results in the ~~[preponderance]~~ ***majority*** of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the Division of Human Resource Management or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the Division of Human Resource Management will allocate the position to one of the existing classes in the classification plan or to a new, revised or reallocated class as appropriate.

3. The effective date of the classification decision will be the date on which ~~[Form NPD-19]~~ ***the appropriate form*** is received by the Division of Human Resource Management or agency personnel officer unless information that substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. However, the subsequent receipt of an application or examination score that confirms the

qualifications of an incumbent will not have a bearing on the effective date. If the form was prepared but delayed due to an administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date on which the form should reasonably have been submitted to the Division of Human Resource Management or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months after the date of receipt.

4. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the Budget Division of the Office of Finance or, in the case of the Nevada System of Higher Education, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the Division of Human Resource Management until funding for it is approved. If the change is approved by the Division of Human Resource Management, the effective date will be determined by the Budget Division.

5. In effecting a reclassification pursuant to subsection 2 or 4, the appointing authority must review and take into consideration the organizational structure and the qualifications of the incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position or is unable to meet such qualifications as an underfill within 1 year after the effective date of the reclassification decision. If an employee does not meet the minimum qualifications to reclassify his or her position or is unable to meet such qualifications as an underfill within 1 year after the

effective date of the reclassification decision, the employee is not eligible for promotion, but may be eligible for a special adjustment to his or her pay pursuant to NAC 284.206.

6. The establishment of a new class or reallocation of a class in an occupational study which results in a fiscal cost becomes effective when the funding is provided by the Legislature in the biennial operating budget for this State.

7. From the date on which the Division of Human Resource Management formally announces the beginning of an occupational study until the date on which the occupational study becomes effective:

(a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.

(b) An existing class in the occupational study must not be reallocated to a different grade.

(c) A new position may be allocated to an existing class or a new class as determined by the Division of Human Resource Management.

8. A position may be reclassified absent significant change in the duties and responsibilities assigned to the position upon a determination by the Division of Human Resource Management that:

(a) The position is incorrectly classified; or

(b) The duties and responsibilities assigned to the position are more consistent with the duties and responsibilities assigned to a position in a different class.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R010-25

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

The first amendment to NAC 284.126 is necessary to bring the regulation into alignment with the current classification process. Previously, the percentage of time performing each duty was evaluated to determine the correct classification of a position. Currently, the majority of the total number of duties are evaluated to determine the correct classification, rather than the percentage of time performing a duty. Therefore, "majority" is the most appropriate word to replace "preponderance" in the regulation.

The second amendment is necessary because "NPD" stands for Nevada Personnel Department, which no longer exists. Additionally, this amendment will bring the form title into alignment with the changes the Division of Human Resource Management is currently implementing.

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.

On November 18, 2025, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

EICON Building
515 E. Musser Street
Carson City, NV

Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV

Nevada State Capitol Building
101 N. Carson Street
Carson City, NV

Eureka Building
7251 Amigo Street
Las Vegas, NV

A regulation workshop concerning the first amendment to the regulation was conducted by the Division of Human Resource Management on April 16, 2024, and a public hearing was held by the Human Resources Commission on December 19, 2025. There was discussion about the proposed change at the regulation workshop.

A regulation concerning the second amendment to the regulation was held on December 6, 2024, and a public hearing was held by the Human Resources Commission on December 19,

2025. There was discussion about the proposed change at the regulation workshop.

At the public hearing, staff provided information regarding the intent and need for the regulation. No comments were received at the public hearing regarding the changes included in the LCB File No. R010-25.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Carrie Hughes at cphughes@admin.nv.gov or by calling (775) 684-0111.

3. The number of persons who:

(a) Attended each hearing: 8

(b) Testified at each hearing: 1

(c) Submitted written comments: 0

4. Following is 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(b):

Heather Dapice, Supervisory Personnel Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
7251 Amigo Street, Las Vegas, NV
702-486-2919
hdapice@admin.nv.gov

5. 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.

Comments were not solicited from businesses, as the regulation does not affect businesses. Therefore, no comments were received. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

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.

There was no opposition to the regulation at the Human Resources Commission hearing.

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 each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

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

The regulation does not include any provisions that are covered by any federal regulations.

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.

No fees are associated with this regulation.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | http://hr.nv.gov | Fax: (775) 687-9085

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

I 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 was prepared properly and is accurate.

Bachera Washington
Bachera Washington, Administrator

November 12, 2025
Date

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R023-25

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

AUTHORITY: § 1, NRS 385.080, 388.5259 and 388.5267.

A REGULATION relating to education; revising the requirements governing eligibility for special services and programs of instruction for pupils who are gifted and talented; revising requirements relating to the minimum amount of differentiated educational activities in which such pupils must participate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child to undergo an examination to determine the extent to which the child deviates from normal patterns of growth and development before placement in a special program for gifted and talented pupils. (NRS 388.5259) Existing regulations prescribe standards for determining the eligibility of pupils for special services and programs of instruction for gifted and talented pupils. (NAC 388.435) This regulation revises those standards by: (1) eliminating the requirement that certain tests used to demonstrate the intellectual ability or academic aptitude of a pupil in a specific area be individually administered; (2) removing references to certain nationally standardized achievement tests; and (3) eliminating language providing that a pupil who is less than 6 years of age is not ineligible for such services and programs solely because of age.

Existing regulations authorize the use of alternative assessment procedures in determining eligibility for gifted and talented services and programs for certain pupils. (NAC 388.435) This regulation revises the terminology used to refer to the categories of pupils to whom such procedures may apply.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of gifted and talented pupils. (NRS 388.5267) This regulation revises those standards by requiring a pupil who is gifted and talented to participate in not less than 600 minutes of differentiated educational activities each month, rather than 150 minutes each week. (NAC 388.435)

Section 1. NAC 388.435 is hereby amended to read as follows:

388.435 1. Except as otherwise provided in subsection 2, a pupil who is gifted and talented is eligible for special services and programs of instruction if a team, comprised of persons selected by the public agency, concludes that the pupil has:

(a) General intellectual ability or academic aptitude in a specific area that is demonstrated by a score at or above the 98th percentile:

(1) On a test of cognitive ability ~~[that is individually administered;]~~ ***; or***

(2) In a major content area on a nationally standardized achievement test ***;*** ~~[that is individually administered in kindergarten through eighth grade;]~~ or

~~[(3) In a major content area on a nationally standardized achievement test, the Preliminary Scholastic Aptitude Test (PSAT), the Scholastic Aptitude Test (SAT) or the American College Test (ACT) that is administered to a group of students for grades 9 through 12, inclusive; or]~~

(b) An area of talent, including, but not limited to, creative thinking, productive thinking, leadership, ability in the visual arts or ability in the performing arts, as determined by the local public agency of the pupil.

2. In determining the eligibility of a pupil for the special services and programs of instruction referred to in this section, the team may use alternative assessment procedures for a pupil ~~[from another culture,]~~ ***who is an English learner,*** a pupil who is ~~[environmentally or economically deprived]~~ ***experiencing environmental or economic disadvantage*** or a pupil who has a disability.

3. ~~[A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special services and programs referred to in this section.~~

~~4.]~~ The conclusions of the team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the talent, cognitive abilities or academic achievement of the pupil.

~~[5.]~~ ***4.*** Unless the pupil's individualized educational program otherwise provides, a pupil who is gifted and talented must participate in not less than ~~[150]~~ ***600*** minutes of differentiated educational activities each ~~[week]~~ ***month*** during the school year.

Joe Lombardo
Governor

Dr. Victor
Wakefield
Superintendent of
Public Instruction

Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

December 4, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. **A clear and concise explanation of the need for the adopted regulation.**
   This proposed regulation will create more inclusive language by updating and clarifying language regarding gifted and talented pupils.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was public comment at the workshop and the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 1; Hearing: 17
   b. Testified at Workshop: 0 ; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 8/13/25 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation language at the public hearing held on November 12, 2025. No changes were requested, so it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

Nevada Department of Education
Nevada State Board of Education

November 12, 2025
9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at Nevada State Board of Education Meeting Material Webpage (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. **Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement**

2. **Public Comment #1**
   Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agenized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. **Approval of Flexible Agenda** *(For Possible Action)*

4. **President's Report**
    - Board Member Updates

5. **Superintendent's Report**
    - Nevada Department of Education Updates

6. **Informational Updates** *(Information Only)*
   The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.
    - Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. **Consent Agenda** *(For Possible Action)*
   Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.
    a. Possible Approval of Transportation Documents, 2026 School Year
    b. Possible Approval of Private School Licensing Renewals *(from cancelled September meeting)*
    c. Possible Approval of Private School Initial License Requests
    d. Possible Approval of the State Board of Education Meeting Calendar, 2026
    e. Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
    f. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
    g. Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
    h. Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
    i. Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
    j. Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
    k. Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. **Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment** *(Information, Discussion, and Possible Action)*
   The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.
    - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
    - Mandy Leytham, Education Programs Professional, Read by Grade 3
    - Katie Fink, Education Programs Professional, Read by Grade 3
    - Lisa Calvert, Education Programs Professional, Read by Grade 3

9. **Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category** *(Information, Discussion, and Possible Action)*
   The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.
   - Julie Bowers, Director, Office of Comprehensive Student Supports

10. **10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. **10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. **10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.
    - Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. **10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References** *(Information, Discussion, and Possible Action)*
    The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

14. **10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

15. **10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
    - Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

16. **10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
    - Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

17. **Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
    - Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

18. **Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
    - Greg Ott, Chief Deputy Attorney General
    - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

Family Engagement

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R023-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:03AM** on **Wednesday, November 12, 2025,** available to stream online via YouTube or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and purpose of the proposed regulations and/or amendments:** NRS 388.5267 states that "*the State Board shall prescribe minimum standards for the special education of gifted and talented pupils*".

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation revises the standards for determining the eligibility of pupils for special services and programs of instruction for gifted and talented students.

3. **How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.

5. **Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.

8. **Whether the regulation is required by federal law:** No.

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the NDE website, or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov/, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NEVADA DEPARTMENT OF EDUCATION
Public Workshop
August 13, 2025
2:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Silver Ore Conference Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. **2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.XXX - To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience** *(For possible action)*
   The proposed changes seek to clarify language.
   - Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

4. **2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 391A.300 - To Prescribe Professional Development Training Standards for Teachers and Administrators** *(For possible action)*
   The proposed changes seek to clarify language.
   - Jeff Briske, Director, Office of Educator Effectiveness and Family Engagement

5. **2:04 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.460 – 388.488 - To Remove Language Tied to Program for Persons With Disabilities With Unique Needs Already Removed in Statute** *(For possible action)*
   The proposed changes seek to remove language already repealed in statute.
   - Julie Bowers, Director, Office of Comprehensive Student Services

6. **2:06 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.435- To Clarify and Update Language Regarding Gifted and Talented Pupils** *(For possible action)*
   The proposed changes seek to update language.
   - Lara O'Mara, Education Programs Professional, Office of Comprehensive Student Services

7. **PUBLIC COMMENT #2**
   Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

8. **ADJOURNMENT**

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF NEVADA
STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** via Livestream Link and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

2:06 PM Workshop to Solicit Comments on Proposed Amendments to NAC 388.435 – To Update and Clarify the Eligibility Requirements for a Pupil who is Gifted and Talented

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meetings Material Page, by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at https://doe.nv.gov, Nevada's Public Notice site at https://notice.nv.gov, the Nevada State Legislature's webpage at https://leg.state.nv.us, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: May 28, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC 388.435

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the update and clarification of the eligibility requirements for a pupil who is gifted and talented is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Steve Canavero, Ph.D.
Superintendent of Public Instruction

ADOPTED REGULATION OF

THE STATE CONTRACTORS' BOARD

LCB File No. R030-25

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

AUTHORITY: § 1, NRS 624.100, 624.220 and 624.280 and section 2 of Senate Bill No. 130, chapter 290, Statutes of Nevada 2025, at page 1932.

A REGULATION relating to contractors; authorizing the State Contractors' Board to issue a restricted residential remodeling license in subclassification B-7; setting forth the requirements and conditions for obtaining such a restricted license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to classify contractors for the purpose of regulating the scope of their operations. (NRS 624.220) Existing law prescribes certain work that is exempt from the requirement to hold a contractor's license. (NRS 624.031) Existing law further requires applicants for a contractor's license to provide specified information relating to child support and to pay applicable fees. (NRS 624.268, 624.280) Existing regulations require an application for licensure to include certain financial information. (NAC 624.590, 624.593)

Section 1 of this regulation authorizes the Board to issue a restricted residential remodeling license in subclassification B-7, Residential Remodeling, to an applicant who satisfies specified requirements. **Section 1** further defines the scope of work permitted under the restricted license as nonstructural remodeling and improvements to existing, detached, single-family residences of not more than three stories above the ground and one story below the ground and prohibits any work that expands the enclosed living space or otherwise requires a specialty classification outside the scope of subclassification B-7 unless performed by a contractor who holds the appropriate classification.

Section 1 also sets a monetary limit for each restricted license, prohibits contract-splitting to evade that limit, and prescribes application and renewal requirements consistent with existing law and existing practices authorized by the Board. **Section 1** further allows for the renewal of a restricted license in the same manner as other licenses issued by the Board and allows the holder of a restricted license to apply for an unrestricted license under subclassification B-7 upon demonstrating the qualifications required for that classification, at which time the restricted license must be surrendered.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a restricted residential remodeling license in subclassification B-7, Residential Remodeling, to an applicant who satisfies the requirements of this section.

2. A restricted license issued pursuant to this section authorizes the licensee to contract for and perform nonstructural remodeling and improvements to existing, detached, single-family residences that are not more than three stories above the ground and one story below the ground.

3. A restricted license issued pursuant to this section does not authorize:

(a) An increase to the existing enclosed living space of the residence;

(b) Work of a type described in paragraph (b) or (c) of subsection 6 of NRS 624.031; or

(c) Work that requires a specialty classification outside the scope of subclassification B-7, unless the work is performed by a contractor who holds the appropriate classification.

4. The monetary limit for a restricted license issued pursuant to this section is $7,000, including labor and materials. A licensee must not divide a project into separate contracts or otherwise structure transactions to evade the monetary limit established pursuant to this subsection.

5. An applicant for a restricted license issued pursuant to this section is not required to take a trade examination.

6. In addition to the information required by NAC 624.590, an applicant for the issuance of a restricted license issued pursuant to this section must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) A request for a monetary limit consistent with subsection 4;

(c) Evidence of experience or education, demonstrated by submission of one of the following:

(1) Four or more certificates of work experience on a form provided by the Board; or

(2) A transcript evidencing successful completion of training from an accredited college, university, apprenticeship or an equivalent program accepted by the Board;

(d) Documentation demonstrating completion, within 1 year immediately preceding the date of application, of business courses or substantially similar curriculum approved by the Board;

(e) Proof of a surety bond or cash deposit of $2,000;

(f) Payment of all application and license fees set forth in NRS 624.280;

(g) A financial statement appropriate to the requested monetary limit pursuant to NAC 624.593; and

(h) The information required by NRS 624.268 relating to child support.

7. A restricted license issued pursuant to this section expires and may be renewed in the same manner as other licenses issued by the Board.

8. A person who holds a restricted license issued pursuant to this section may apply for a license in subclassification B-7 without the restrictions imposed by this section upon demonstrating the qualifications for that classification under this chapter and chapter 624 of NRS, including, without limitation, successful completion of any required trade examination. Upon issuance of this license, the restricted license must be surrendered to the Board.

9. The provisions of NRS 624.254, 624.256, 624.265, 624.266 and 624.288 and the applicable provisions of chapter 624 of NRS relating to disciplinary action apply to a restricted license issued pursuant to this section.

Informational Statement Form

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 624 in compliance with NRS 233.066.

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

NRS 624.220 authorizes the Nevada State Contractors Board (NSCB) to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

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 notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted on the agency's website and on the Nevada Public Notice Website, State Library and Archives, Nevada's Regulation Notices website and both offices of the Nevada State Contractors Board. Additionally, the notice of workshop and hearing, and the proposed regulation were e-mailed electronically to approximately 583 individuals and organizations who have expressed interest in being kept informed of the Board's meetings. Public comment was solicited in the Notice of Workshop and Hearing which included the proposed regulation and small business impact statement.

Public comment was also solicited at the workshop held on November 13, 2025 and at the hearing held on December 4, 2025 which all took place at the office of the Board at 8400 West Sunset Road, Suite 150, Las Vegas, NV and 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511. No public comments were received.

3. The number persons who:

(a) Attended each hearing: None
(b) Testified at each hearing: None
(c) Submitted to the agency written comments:
No written comments were submitted.

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: None

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 notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted on the Board's website and on the Nevada Public Notice Website, State Library and Archives, Nevada's Regulation Notices website and both offices of the Nevada State Contractors Board. Additionally, the notice of workshop and hearing, and the proposed regulation were e-mailed electronically to approximately 583 individuals and organizations who have expressed interest in being kept informed of the Board's meetings. Public comment was solicited in the Notice of workshop and hearing which included the proposed regulation and small business impact statement.

Public comment was also solicited at the workshop held on November 13, 2025 and at the hearing held on December 4, 2025 which took place at the office of the Board at 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511. No public comments were received.

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 regulation was adopted without changing any part of the proposed regulation as no public comment was received at the workshop or hearing and no written comments were received by the Board.

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;
The regulation should not result in any adverse economic effect on businesses in which they regulate.

(b) Both immediate and long-term effects.
The regulation should not result in any adverse economic effect on the general public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The proposed regulation will not result in any cost to the agency.

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.

The proposed regulation does not overlap or duplicate any regulation.

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

There are no federal regulations that apply.

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.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R030-25

1. **Background:**

NRS 624.220 authorizes the board to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

During the 2025 legislative session, SB 130, an act relating to contractors, providing for issuance by the State Contractors' Board of a Restricted License, was passed. SB 130, a pathway to licensure, provides an opportunity for licensure for those who would like to obtain a contractor's license who may not have 4 years of experience.

2. **Description of Solicitation:**

The proposed regulation change adds language to the Nevada Administrative Code to coincide with the new bill passage of SB 130 for the classification of a restricted license.

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?**

The Nevada State Contractors Board has determined that the proposed amendment will not have a negative financial impact upon a small business. The proposed regulation is not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

4. **How was that conclusion reached?**

The NSCB determined that the proposed changes are specific to how the NSCB itself operates and do not impact small businesses.

In reviewing the regulation changes, the NSCB found no evidence of negative economic effects on current NRS Chapter 624 licensees or individuals seeking licensure.

I, David Behar, Executive Officer of the Nevada State Contractors Board, 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.

Date: October 21, 2025 Signature: _____

David Behar, Executive Officer
Nevada State Contractors Board

R031-25

ADOPTED REGULATION OF THE

SECRETARY OF STATE

LCB File No. R031-25

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

AUTHORITY: § 1, NRS 281.5745; §§ 2-5, 8 and 10-13, NRS 293.124 and 293.247; §§ 6, 7 and 9, NRS 293.124, 293.247 and 293.4685.

A REGULATION relating to complaints; authorizing a person to file a complaint with the Secretary of State concerning violations of certain laws relating to elections in this State; establishing procedures for filing, reviewing and investigating such complaints; revising the process for complaints filed with the Secretary of State concerning the Help America Vote Act of 2002; repealing certain provisions relating to filing a complaint with the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law enacts the Help America Vote Act of 2002, Title III of which sets forth certain requirements relating to election technology and administration, including, among other things, requirements concerning voting systems, provisional voting, statewide voter registration lists, registration to vote by mail and access for congressional observers. (52 U.S.C. §§ 21081-21102) The Help America Vote Act also requires a state to maintain a state-based administrative complaint procedure which meets certain requirements for violations of Title III of the Act. (52 U.S.C. § 21112) Existing regulations, in compliance with federal law, authorize a person who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur to file a complaint with the Office of the Secretary of State and establish a process for the filing, investigation and resolution of such a complaint. (NAC 293.500-293.560) As part of this process, existing regulations require such a complaint to be in writing, notarized and signed and sworn to by the complainant and, if one is prescribed, submitted on a form prescribed by the Secretary of State. (NAC 293.515) **Section 6** of this regulation requires the Secretary of State to prescribe the form for such a complaint and requires the form to be submitted to the Secretary of State by mail, electronic mail or facsimile.

Existing regulations require the Secretary of State or a designee of the Secretary of State to review each complaint to determine whether the complaint states a violation of Title III of the Help America Vote Act and complies with the requirements set forth in existing regulations concerning the filing and form of the complaint. If a complaint fails to state such a violation or comply with such requirements, existing regulations require the complaint to be dismissed without further action and notice of such dismissal to be provided to the complainant. (NAC 293.520) **Section 7** of this regulation provides that such a complaint may also be dismissed if a

complainant is uncooperative in the investigation of the complaint or requests the Secretary of State to close the case or withdraws his or her complaint.

If a complainant has not requested a hearing on such a complaint, existing regulations require the Secretary of State to review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation has occurred. (NAC 293.540) **Section 9** of this regulation: (1) requires the Secretary of State to provide a copy of the complaint to the respondent before beginning the review; (2) provides that such a review may include an investigation which includes the review of certain information and materials; (3) authorizes a complainant or respondent to designate another person to represent his or her interests in a matter subject to such review; and (4) requires, if the person designated is an attorney, the attorney to submit a letter of representation to the Secretary of State before representing the complainant or respondent.

Existing law requires the Secretary of State to serve as Chief Officer of Elections for this State and provides that, as Chief Officer, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State. (NRS 293.124) **Section 2** of this regulation authorizes a person to file a complaint with the Office of the Secretary of State if he or she believes that a violation of any provision of law that is subject to such enforcement by the Secretary of State has occurred, is occurring or is about to occur. **Sections 3-12** of this regulation establish the process for filing, investigating and resolving such a complaint by requiring the complaint to, with certain exceptions, follow the procedures set forth in existing regulations for a violation of Title III of the Help America Vote Act. **Section 9** requires a respondent who receives such a complaint to file an answer with the Secretary of State within 15 days after receiving a copy of the complaint from the Secretary of State. **Section 10** authorizes a person who has been sent a copy of a final determination concerning such a complaint to, within 15 days after the date on which the final determination was mailed, file a written objection with the Secretary of State that includes a short statement of the grounds for the objection and evidence substantiating the objection.

Existing law sets forth the Nevada Financial Disclosure Act, which: (1) requires certain candidates and public officers to file a financial disclosure statement with the Secretary of State; and (2) requires the Secretary of State to administer and interpret the Act and adopt any regulations or take any actions necessary to carry out the provisions of the Act. (NRS 281.5555-281.581) **Section 1** of this regulation: (1) authorizes a person to file a complaint if he or she believes that a violation of the Act has occurred, is occurring or is about to occur; and (2) with certain exceptions, provides that such a complaint must be filed, investigated and resolved in accordance with the procedures and deadlines set forth to file, investigate and resolve a complaint filed pursuant to **section 2**.

Existing regulations require a person who wishes to file a complaint concerning an alleged violation of a provision of title 24 of NRS to submit the complaint in writing to the Secretary of State. (NAC 293.025) **Section 13** of this regulation repeals this provision as **section 2** has established specific requirements for filing a complaint.

Section 1. Chapter 281 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person who believes that a violation of NRS 281.5555 to 281.581, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State in accordance with the procedures and deadlines set forth for filing or refiling a complaint pursuant to section 2 of this regulation.

2. Except as otherwise provided in this section, a complaint filed pursuant to this section must be investigated and resolved in accordance with the procedures and deadlines set forth in NAC 293.500 to 293.560, inclusive, and section 2 of this regulation for a complaint filed pursuant to section 2 of this regulation. For the purposes of this subsection, when applying the provisions of NAC 293.500 to 293.560, inclusive, and section 2 of this regulation, the term:

(a) "Complainant" means a person who files a complaint with the Secretary of State pursuant to this section.

(b) "Respondent" means a public officer or candidate who is the subject of a complaint filed pursuant to this section.

3. When reviewing a complaint filed pursuant to this section, the Secretary of State or a designee thereof will review the complaint to determine whether the complaint:

(a) States a violation of the provisions of NRS 281.5555 to 281.581, inclusive; and

(b) Complies with the requirements set forth in section 2 of this regulation for filing and submitting a complaint.

4. A complaint filed pursuant to this section may be dismissed without further action and notice of the dismissal will be provided to a complainant if:

(a) The Secretary of State determines that the complaint fails to meet the requirements set forth in subsection 3;

(b) The complainant requests the Secretary of State to close the case or withdraws his or her complaint; or

(c) A complainant is uncooperative in the investigation or determination of his or her case. For the purposes of this paragraph, a complainant will be deemed uncooperative if he or she commits an act against a member of the Office of the Secretary of State that is punishable pursuant to NRS 199.300 or 200.481.

5. When providing an appropriate remedy in accordance with NAC 293.545, if the Secretary of State determines that a public officer or candidate willfully failed to file a financial disclosure statement or willfully failed to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may cause proceedings to be instituted pursuant to NRS 281.581.

Sec. 2. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Unless a procedure for a complaint or challenge is otherwise provided by state or federal law, a person who believes that a violation of any provision of law that is subject to enforcement by the Secretary of State pursuant to NRS 293.124 has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State. A complaint filed pursuant to this section must:

(a) Be in writing on a form prescribed by the Secretary of State, signed by the complainant and submitted by mail, electronic mail or facsimile to the Secretary of State.

(b) Provide the name of each respondent known to the complainant and a concise statement of the facts of the alleged violation.

(c) Be filed in the Office of the Secretary of State:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation is about to occur,

➥ whichever is later.

2. The complainant shall mail or deliver a copy of the complaint to each respondent known to the complainant not later than the date on which the complaint is filed.

Sec. 3. NAC 293.500 is hereby amended to read as follows:

293.500 As used in NAC 293.500 to 293.560, inclusive, ***and section 2 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 293.505 and 293.510 have the meanings ascribed to them in those sections.

Sec. 4. NAC 293.505 is hereby amended to read as follows:

293.505 "Complainant" means a person who files a complaint with the Secretary of State pursuant to NAC 293.515 ~~.~~ ***or section 2 of this regulation, as applicable.***

Sec. 5. NAC 293.510 is hereby amended to read as follows:

293.510 "Respondent" means a state or local election official ***, candidate, employee of the State or a political subdivision of the State or other person or group of persons*** against whom a complaint is filed pursuant to NAC 293.515 ~~.~~ ***or section 2 of this regulation, as applicable.***

Sec. 6. NAC 293.515 is hereby amended to read as follows:

293.515 1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 52 U.S.C. §§ 21081 to 21102, inclusive, has occurred, is

occurring or is about to occur may file a complaint ***against a state or local election official*** with the Office of the Secretary of State.

2. A complaint filed pursuant to subsection 1 must:

(a) Be in writing ~~[,]~~ ***on a form prescribed by the Secretary of State,*** notarized and signed and sworn to by the complainant ~~[. If]~~ ***and submitted by mail, electronic mail or facsimile to*** the Secretary of State **.** ~~[prescribes a form for the complaint, the complaint must be filed on that form.]~~

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 52 U.S.C. §§ 21081 to 21102, inclusive.

(c) Be filed in the Office of the Secretary of State:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 52 U.S.C. §§ 21081 to 21102, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 52 U.S.C. §§ 21081 to 21102, inclusive, is about to occur,

➥ whichever is later.

3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.

Sec. 7. NAC 293.520 is hereby amended to read as follows:

293.520 1. The Secretary of State or a designee thereof will review each complaint filed pursuant to NAC 293.515 ***and section 2 of this regulation*** to determine whether the complaint:

(a) ***If the complaint is filed pursuant to NAC 293.515:***

(1) States a violation of 52 U.S.C. §§ 21081 to 21102, inclusive; and

(2) Complies with the requirements of NAC 293.515.

(b) ~~[Complies with]~~ ***If*** the ~~[requirements of NAC 293.515.]~~ ***complaint is filed pursuant to section 2 of this regulation:***

(1) States a violation of a provision of law subject to enforcement by the Secretary of State pursuant to NRS 293.124; and

(2) Complies with the requirements of section 2 of this regulation.

2. ~~[If a complaint fails to state a violation of 52 U.S.C. §§ 21081 to 21102, inclusive, or does not comply with the requirements of NAC 293.515, the]~~ ***A*** complaint ~~[will]~~ ***filed pursuant to NAC 293.515 may*** be dismissed without further action and notice of the dismissal will be provided to the complainant ~~[.]~~ ***if:***

(a) The Secretary of State determines that the complaint fails to meet the requirements set forth in paragraph (a) of subsection 1;

(b) The complainant requests the Secretary of State to close the case or withdraws his or her complaint; or

(c) The complainant is uncooperative in the investigation or determination of his or her case. For the purposes of this paragraph, a complainant will be deemed uncooperative if he or she commits an act against a member of the Office of the Secretary of State that is punishable pursuant to NRS 199.300 or 200.481.

3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph

(c) of subsection 2 of NAC 293.515 ~~[.]~~ ***or paragraph (c) of subsection 1 of section 2 of this regulation, as applicable.***

4. A complainant ~~[whose]~~ ***may not more than once refile a*** complaint ***that*** has been dismissed ***pursuant to this section*** for failure to state a violation of ***:***

(a) A provision of 52 U.S.C. §§ 21081 to 21102, inclusive ~~[, may refile]~~ ***; or***

(b) A provision of law subject to enforcement by the ~~[complaint only one time.]~~ ***Secretary of State pursuant to NRS 293.124.***

Sec. 8. NAC 293.525 is hereby amended to read as follows:

293.525 1. The Secretary of State may consolidate complaints filed pursuant to NAC 293.515 ***or section 2 of this regulation*** if the complaints relate to the same action or event or raise a common question of law or fact. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.

2. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to NAC 293.515 ~~[.]~~ ***and section 2 of this regulation.***

Sec. 9. NAC 293.540 is hereby amended to read as follows:

293.540 ***1.*** If a complainant ***has filed a complaint pursuant to section 2 of this regulation or*** has not requested a hearing on a complaint filed pursuant to NAC 293.515, the Secretary of State or a designee thereof will review the complaint and any accompanying record and determine ***, as applicable,*** whether, by a preponderance of the evidence, a violation of ***:***

(a) A provision of 52 U.S.C. §§ 21081 to 21102, inclusive ~~[.]~~ ***; or***

(b) A provision of law subject to enforcement by the Secretary of State pursuant to NRS 293.124,

➥ has occurred, is occurring or is about to occur.

2. Before beginning a review of a complaint pursuant to this section, the Secretary of State will provide a copy of the complaint and any supporting documents to the respondent. Within 15 days after being provided a complaint filed pursuant to section 2 of this regulation pursuant to this subsection, a respondent shall file with the Secretary of State an answer to the complaint and mail or deliver a copy of the answer to the complainant and every other person who is a party to the proceeding. If the respondent asserts an affirmative defense in his or her answer, he or she must separately state and number each affirmative defense.

3. If the respondent fails to file an answer within the time period set forth in subsection 2, the Secretary of State may issue a determination pursuant to NAC 293.545 based solely on the facts presented in the complaint.

4. A review of the complaint and any accompanying record pursuant to subsection 1 may include an investigation conducted by the Secretary of State which may include, without limitation:

(a) Interviews and hearings conducted by the Secretary of State concerning the alleged violation; and

(b) Review by the Secretary of State of:

(1) Any applicable documents filed by the respondent with a city or county clerk, filing officer or the Secretary of State that relate to the alleged violation;

(2) Any databases that the Secretary of State is authorized to access for such a purpose that contain information relevant to the complaint;

(3) Except as otherwise provided by law, any other database or information in the possession of an agency or subdivision of this State that is provided to the Secretary of State;

(4) Except as otherwise provided by law, any other information provided to the Secretary of State by a local government, an agency of another state that is charged with the administration of elections or a federal agency that is relevant to the complaint; and

(5) Any materials provided to the Secretary of State by a complainant or respondent during the course of the review and investigation of the complaint, including, without limitation, any statements made by a witness or that identifies a witness and any other evidence that is material or relevant to the investigation.

5. A complainant or respondent may represent himself or herself or designate another person to represent his or her interests. If a complainant or respondent designates an attorney to represent his or her interests, the attorney representing the complainant or respondent shall, before representing the complainant or respondent, submit to the Secretary of State a letter of representation which provides that the attorney will be representing the complainant or respondent, as applicable, in the matter.

6. If the ***complaint was filed pursuant to NAC 293.515 and the*** Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as the designee pursuant to this section.

Sec. 10. NAC 293.545 is hereby amended to read as follows:

293.545 1. If the Secretary of State or a designee thereof, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of ***a provision of law subject to enforcement by the Secretary of State pursuant to NRS 293.124 or a provision of*** 52 U.S.C. §§ 21081 to 21102, inclusive, has occurred, is occurring or is about to occur, the Secretary of State or the designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to

take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.

2. If the Secretary of State or the designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of ***a provision of law subject to enforcement by the Secretary of State pursuant to NRS 293.124 or a provision of*** 52 U.S.C. §§ 21081 to 21102, inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or the designee will dismiss the complaint.

3. The Secretary of State or the designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in NAC 293.550, a final determination of the Secretary of State or the designee on a complaint will be issued within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

5. A person who has been issued a copy of a final determination pursuant to this section concerning a complaint filed pursuant to section 2 of this regulation may file a written objection with the Secretary of State within 15 days after the date on which the final determination was mailed. Such an objection must be accompanied by a short statement of the grounds for the objection and evidence substantiating the objection. The Secretary of State

will insert a statement to this effect into the final determination issued by the Secretary of State.

Sec. 11. NAC 293.555 is hereby amended to read as follows:

293.555 ~~[A]~~ ***1. Except as otherwise provided in subsection 2, a*** final determination of the Secretary of State or a designee thereof pursuant to NAC 293.535, 293.540 or 293.545 or the final resolution of an arbitrator or arbitration panel pursuant to NAC 293.550 is not subject to appeal in any state or federal court.

2. A final determination issued by the Secretary of State or a designee thereof pursuant to NAC 293.540 or 293.545 concerning a complaint filed pursuant to section 2 of this regulation is a final order for the purposes of NRS 233B.130.

Sec. 12. NAC 293.560 is hereby amended to read as follows:

293.560 The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in NAC 293.500 to 293.560, inclusive ~~[.]~~ ***and section 2 of this regulation.***

Sec. 13. NAC 293.025 is hereby repealed.

TEXT OF REPEALED SECTION

293.025 Submission of complaint concerning violation of provision of title 24 of NRS. (NRS 293.124) A person who wishes to file a complaint concerning an alleged violation of any provision of title 24 of NRS must:

1. Submit the complaint in writing to the Secretary of State; and

2. Sign the complaint.

➥ The complaint may include proof of the alleged violation.

R031-25RP1
January 21, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to establish clear procedures for filing, reviewing, investigating, and resolving complaints submitted to the Secretary of State under existing election and financial disclosure laws. This includes complaints alleging violations of election law or the Nevada Financial Disclosure Act. These procedures ensure consistency, transparency, and proper handling of complaints, and are necessary to provide clarity to the public, local officials and stakeholders on the complaint process.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.
   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 7, 2026 and the adoption hearing was held on January 21, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/
   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. Comments received generally called for definitions for the threat or physical abuse against a member of public office to be included and disagreeing with requiring a paid notary service, suggesting this is infringing on voters' rights.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 7, 2026
   (a) Number in attendance: 6
   (b) Number testifying: 1
   (c) Written statements submitted: 3

   Adoption Hearing date: January 21, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 0

(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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.**
   Comments generally called for the regulation to be clarified. The regulation does not create new requirements, but codifies existing processes, including the handling of HAVA and non-HAVA complaints through established procedures, and aligns with statute. Language regarding threats will be changed to point to existing statutory definitions to avoid subjectivity (NRS 200.481 and 199.300(1).

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

Workshop - January 7, 2026	**Adoption Hearing - January 21, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org	Katrine Ivanoff https://mrsfixit.us/
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Ellen Gifford
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Cynthia Perine 7090 Windstar Drive Reno, NV 89523 perinecynthia@gmail.com	
Reva Crump unolabrat@gmail.com	
Jeffrey Church renocop@earthlink.net	
Lisa Mayo-DeRiso President/CEO Mayo & Associates | OnPoint Campaigns 702-403-7779	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R031-25RP1

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.
These proposed regulations do not create an economic effect on small businesses. These regulations establish procedures for filing, reviewing, investigating, and resolving complaints with the Office of the Secretary of State concerning election and financial disclosure laws, and do not create an adverse or beneficial economic impact in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

R041-25

ADOPTED REGULATION OF THE

BOARD OF PSYCHOLOGICAL EXAMINERS

LCB File No. R041-25

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

AUTHORITY: §§ 1 and 2, NRS 641.100, as amended by section 5 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1161, NRS 641.110, as amended by section 6 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1162, NRS 641.226, as amended by section 13 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1164 and NRS 641.228, as amended by section 14 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1166; §§ 3-8, NRS 641.100, as amended by section 5 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1161, NRS 641.110, as amended by section 6 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1162, and NRS 641.170; § 9, NRS 641.100, as amended by section 5 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1161, NRS 641.110, as amended by section 6 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1162, and NRS 641.170 and 641.390; §§ 10-13, NRS 641.100, as amended by section 5 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1161.

A REGULATION relating to psychology; providing for the issuance of a provisional license instead of a registration to psychological assistants and psychological interns; removing and repealing provisions requiring certain business entities to register with the Board of Psychological Examiners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 251 of the 2025 Legislative Session made various changes to the regulation of psychological assistants, psychological interns and psychological trainees, and in relevant part, requires psychological assistants and psychological interns to obtain a provisional license from the Board of Psychological Examiners instead of registering with the Board. (NRS 641.226, as amended by section 13 of Senate Bill No. 251, chapter 185, Statutes of Nevada 2025, at page 1164) **Sections 2-11** of this regulation similarly provide for the issuance of a provisional license to a psychological assistant or psychological intern.

Assembly Bill No. 196 of the 2025 Legislative Session repealed provisions of law requiring a firm, partnership or corporation which engaged in or offered to engage in the practice of psychology to register with the Board. (NRS 641.2265, repealed by section 4 of Assembly Bill No. 196, chapter 114, Statutes of Nevada 2025, at page 621) **Section 12** of this regulation similarly repeals provisions governing the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology. **Section 1** of this regulation

makes a conforming change to remove the fee for the registration of such firms, partnerships and corporations.

Section 1. NAC 641.019 is hereby amended to read as follows:

641.019 1. Except as otherwise provided in NRS 641.228 and subsection 3, the Board will charge and collect the following fees:

For an application for licensure $150

For an application for registration as a psychological assistant, psychological intern or psychological trainee 150

For the state examination for licensure administered by the Board pursuant to NAC 641.112 ..... Actual costs to the Board plus $100

For the issuance of an initial license 25

For the biennial renewal or reinstatement of a license as a psychologist 650

~~[For the registration of a firm, partnership or corporation ..... 300]~~

For the placement of a license on inactive status 100

For the biennial renewal of a license on inactive status 100

For the initial registration of a psychological assistant 150

For the initial registration of a psychological intern 75

For the initial registration of a psychological trainee 30

For the renewal of a registration of a psychological assistant 150

For the renewal of a registration of a psychological intern 75

For the renewal of a registration of a psychological trainee 30

For the restoration to active status of a license as a psychologist on inactive status 250

For the registration of a nonresident consultant 100

For reproduction and mailing of material for an application 30

For a change of name on a license 30

For a duplicate license 30

For copies of the provisions of NRS relating to the practice of psychology and the rules and regulations adopted by the Board 30

For a letter of good standing 20

For the review and approval of a course or program of continuing education 30

2. The Board will annually determine the actual costs to the Board for the state examination administered by the Board pursuant to NAC 641.112 for purposes of determining the fee charged and collected pursuant to subsection 1.

3. If 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 submits an application for a license by endorsement pursuant to NRS 641.196, the Board will charge and collect a fee of $62.50 for the issuance of an initial license.

4. In accordance with NRS 353C.115 and NAC 353C.400, the Board will charge and collect from any person whose check or other method of payment is returned to the Board or otherwise dishonored because the person had insufficient money or credit with the drawee or financial

institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment a fee of $25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. NAC 641.019 is hereby amended to read as follows:

641.019 1. Except as otherwise provided in NRS 641.228 and subsection 3, the Board will charge and collect the following fees:

For an application for licensure.....$150

For an application for registration ***as a psychological trainee or a provisional license*** as a psychological assistant ~~[,]~~ ***or*** psychological intern ~~[or psychological trainee]~~.....150

For the state examination for licensure administered by the Board pursuant to NAC 641.112.....Actual costs to the Board plus $100

For the issuance of an initial license 25

For the biennial renewal or reinstatement of a license as a psychologist.....650

For the placement of a license on inactive status 100

For the biennial renewal of a license on inactive status 100

For the ***issuance of an*** initial ~~[registration]~~ ***provisional license*** of a psychological assistant 150

For the ***issuance of an*** initial ~~[registration]~~ ***provisional license*** of a

psychological intern..... 75

For the initial registration of a psychological trainee..... 30

For the renewal of a ~~[registration]~~ ***provisional license*** of a psychological assistant.....150

For the renewal of a ~~[registration]~~ ***provisional license*** of a psychological intern..... 75

For the renewal of a registration of a psychological trainee 30

For the restoration to active status of a license as a psychologist on inactive status 250

For the registration of a nonresident consultant 100

For reproduction and mailing of material for an application 30

For a change of name on a license 30

For a duplicate license.....30

For copies of the provisions of NRS relating to the practice of psychology and the rules and regulations adopted by the Board.....30

For a letter of good standing 20

For the review and approval of a course or program of continuing education.....30

2. The Board will annually determine the actual costs to the Board for the state examination administered by the Board pursuant to NAC 641.112 for purposes of determining the fee charged and collected pursuant to subsection 1.

3. If 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 submits an application for a license by endorsement pursuant to NRS 641.196, the Board will charge and collect a fee of $62.50 for the issuance of an initial license.

4. In accordance with NRS 353C.115 and NAC 353C.400, the Board will charge and collect from any person whose check or other method of payment is returned to the Board or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment a fee of $25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 3. NAC 641.080 is hereby amended to read as follows:

641.080 1. Before an applicant is eligible for licensure as a psychologist, he or she must complete 2 years of supervised and documented experience that is the equivalent of full-time experience.

2. Except as otherwise provided in subsection 3, the 2 years of experience required pursuant to paragraph (d) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) The first year must satisfy the requirements of subsection 4; and

(b) The second year must be postdoctoral, must consist of not less than 1,750 hours and must:

(1) Meet the guidelines established by the Association of State and Provincial Psychology Boards; or

(2) Satisfy the requirements of subsection 6.

3. If an applicant has been licensed for at least 5 years in the District of Columbia or another state or territory of the United States and has had no disciplinary action or other adverse action taken against him or her by the regulatory body, the 2 years of experience required pursuant to paragraph (d) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) Each year must consist of not less than 1,500 hours;

(b) One year must satisfy the requirements of subsection 4; and

(c) One year must be postdoctoral and must satisfy the requirements of subsection 6.

4. For the purposes of paragraph (a) of subsection 2 and paragraph (b) of subsection 3, 1 year of supervised experience must be satisfactorily completed in:

(a) A doctoral internship program accredited by the American Psychological Association; or

(b) A doctoral internship that is equivalent to a doctoral internship in a program that is accredited by the American Psychological Association. An applicant, his or her proposed supervisor and a representative of the proposed agency or institution at which the internship will be conducted must submit to the Board a plan to meet the requirements of this paragraph and information showing that the proposed internship substantially complies with the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address **https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf**, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association which is available, free of charge, at the Internet address **https://accreditation.apa.org/policies**. Substantial compliance with such standards may be

demonstrated by submission to the Board of information showing that the proposed doctoral internship:

(1) Requires completion of the internship in an agency or institution that provides services to a population sufficient in number and diversity to give the intern adequate experiential exposure to meet the purposes, aims and competencies of the internship.

(2) Requires the intern to complete a minimum of 2,000 hours of training, which must be completed:

(I) If on a full-time basis, in not less than 12 months; or

(II) If on a part-time basis, in not less than 24 months.

(3) Offers education and training conducted in a single-site or multiple-site setting that prepares interns for the practice of health service psychology.

(4) Includes a training program that meets the requirements set forth in subsection 5.

5. A proposed doctoral internship that is not accredited by the American Psychological Association must include a training program that, without limitation:

(a) Is an integral part of the mission of the agency or institution in which the program is provided, with administrative and structural processes that facilitate systematic coordination, control, direction and organization of the training activities and resources of the program.

(b) Recognizes the importance of cultural and individual differences and diversity in the training of psychologists.

(c) Demonstrates the adequacy of its educational and training resources, including, without limitation, clerical and technical support, access to training materials and equipment that reflect the current knowledge base in the profession, and physical facilities that are appropriate for

confidential interactions and are compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.

(d) Has policies and procedures that are consistent with those described in the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, including, without limitation, policies relating to:

(1) The recruitment and selection of interns;

(2) The required prior doctoral preparation and experiences;

(3) Providing administrative and financial assistance to interns;

(4) The requirements for successful internship performance;

(5) Performance evaluations, feedback, retention and termination decisions relating to interns;

(6) The identification and remediation of insufficient competence and problematic behavior by an intern;

(7) Grievance procedures for interns, including the provision of due process;

(8) The requirements for supervision of an intern as set forth in paragraphs (q), (r) and (s);

(9) Maintenance of records; and

(10) Nondiscrimination, including documentation of such policies and operating procedures.

(e) Has policies and procedures that are consistent with the profession's current ethics code and which adhere to:

(1) The regulations of the agency or institution; and

(2) All applicable local, state and federal laws regarding due process and fair treatment.

(f) Requires the retention of records on the performance of interns and complaints and grievances against the program or persons associated with the program.

(g) Ensures a welcoming, supportive and encouraging learning environment for all interns, including those from diverse and underrepresented communities.

(h) Recognizes the right of interns, faculty and staff to be treated with courtesy and respect.

(i) Recognizes science as the core of health service psychology and relies on the current evidence base in the training and assessment of interns.

(j) Requires an intern to demonstrate competency in profession-wide competencies, including, without limitation:

(1) Research;

(2) Ethical and legal standards;

(3) Individual and cultural diversity;

(4) Professional values, attitudes and behaviors;

(5) Communication and interpersonal skills;

(6) Assessment;

(7) Intervention;

(8) Supervision; and

(9) Consultation, interprofessional and interdisciplinary skills.

(k) Demonstrates a clear and coherent plan for educational activities that support the achievement of interns in profession-wide and program-specific competencies.

(l) Employs primarily an experiential training method that:

(1) Involves the delivery of services by an intern in direct contact with recipients of those services; and

(2) Includes sufficient observation and supervision by doctoral-level licensed psychologists to facilitate the readiness of the intern to enter into the general practice of psychology upon completion of the training.

(m) Follows a logical and cumulative training sequence that builds on the skills and competencies acquired by the intern during training and is graded in complexity in a manner consistent with that sequence.

(n) Demonstrates that the tasks and duties associated with the delivery of service by an intern are primarily learning-oriented and that the training considerations of interns take precedence over the delivery of service and the generation of revenue.

(o) Maintains appropriate and transparent communication practices, including, without limitation:

(1) Articulating the commitment of the program to attracting and training diverse clients;

(2) Ensuring regular communication between the doctoral program and the doctoral internship program;

(3) Ensuring that all communications with potential and current interns are informative, accurate and transparent;

(4) Disclosing the status of the program with regard to accreditation; and

(5) Demonstrating a commitment to public disclosure.

(p) Provides adequate financial support for:

(1) Interns;

(2) Faculty and staff; and

(3) Sufficient and dependable training activities for the duration of the year or years of any contracts with interns.

(q) Provides supervision in a regularly scheduled manner and ensures that:

(1) Each intern has access to consultation and supervision during the times he or she is providing clinical services; and

(2) Each intern receives not less than 4 hours per week of supervision, including not less than 2 hours per week of face-to-face individual supervision by one or more doctoral-level licensed psychologists who are involved in an ongoing supervisory relationship with the intern and have primary professional responsibility for the cases on which face-to-face individual supervision is provided.

(r) Ensures that any supervisory hours other than the 2 hours of face-to-face individual supervision required by subparagraph (2) of paragraph (q) are:

(1) Consistent with the definition of supervision in the glossary of the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association;

(2) Conducted by health care professionals who are appropriately credentialed; and

(3) Interactive experiences in a group or individual format.

(s) Requires that overall responsibility for the supervision of interns, including oversight and integration of supervision provided by non-psychologist professionals, is maintained by doctoral-level licensed psychologists.

6. For the purposes of subparagraph (2) of paragraph (b) of subsection 2 and of paragraph (c) of subsection 3, supervised experience is credited only for:

(a) Professional work in a setting that provides an opportunity for interaction with colleagues and an opportunity for work with a broad range of clients, including, without limitation, a private practice and a public or private agency, institution or organization; and

(b) Work experience that is other than experience which is acquired in connection with a practicum for which graduate credits are granted and which complies with the following requirements:

(1) The number of hours required pursuant to paragraph (b) of subsection 2 or paragraph (a) of subsection 3 must be completed in not less than 10 months and not more than 3 years unless otherwise approved by the Board;

(2) Unless otherwise approved by the Board:

(I) At least 50 percent of the hours per week of the supervised experience must be spent providing clinical services, including, without limitation, psychological services rendered directly to an individual, couple, family or group, psychological testing, and individual or group supervision relating to those services; and

(II) At least 15 percent of the hours per week of the supervised experience must be spent providing face-to-face client care;

(3) The hours per week of the supervised experience that are not spent in the manner set forth in subparagraph (2) must be spent engaging in an activity related to psychology, including, without limitation, teaching psychology, performing psychological research in a manner not covered by the provisions of subsection 8 and engaging in administrative activities related to psychology or in any other activity related to psychology; and

(4) At least 40 hours of the supervised experience must be spent receiving training in cultural, ethnic and group processes as social bases of behavior and at least 3 hours of individual face-to-face supervision must be spent focused on that area of psychology. Such hours may be obtained by, without limitation:

(I) Conducting clinical work directly with culturally diverse or underserved populations;

(II) Reading materials related to culturally diverse populations;

(III) Researching an issue related to culturally diverse populations;

(IV) Attending a workshop, conference or seminar concerning working with culturally diverse populations;

(V) Giving a presentation related to culturally diverse populations at a workshop, conference or seminar; and

(VI) Authoring a publication related to culturally diverse populations.

7. Unless an applicant is ~~[registered]~~ ***provisionally licensed*** as a psychological assistant or psychological intern, he or she may not apply hours during which he or she practiced as another type of licensed medical or behavioral health provider toward the supervised experience that is required for licensure as a psychologist pursuant to this section.

8. For faculty hired at an accredited institution of higher education, hours spent engaged in activities related to clinical research involving the provision of treatment to test the efficacy or effectiveness of psychotherapeutic techniques or to test or identify different mechanisms of change or factors related to treatment outcome, may be used to meet the requirements set forth in subparagraph (2) of paragraph (b) of subsection 6. Such activities include, without limitation:

(a) Supervision of the implementation of treatment protocols;

(b) Direct implementation of treatment protocols;

(c) Writing test results and other reports;

(d) Note writing in connection with the provision of services;

(e) Data monitoring for adverse effects;

(f) Working with institutional review boards to ensure patient safety;

(g) Developing and modifying study design and treatment protocols for the implementation of such studies;

(h) Monitoring and reviewing treatment sessions during clinical trials for adherence to treatment protocols; and

(i) Writing the results of such research.

Sec. 4. NAC 641.151 is hereby amended to read as follows:

641.151 1. A person must ~~[register]~~ ***obtain a provisional license*** with the Board as a psychological assistant if the person wishes to obtain any postdoctoral supervised experience that is required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist by submitting the appropriate application to the Board.

2. Unless otherwise approved by the Board, a person may apply to the Board for ~~[registration]~~ ***a provisional license*** as a psychological assistant only after he or she graduates with a doctoral degree from:

(a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of:

(1) NAC 641.061 if the applicant graduated before January 1, 2018; or

(2) NAC 641.062 if the applicant graduated on or after January 1, 2018; or

(b) An institution which meets the requirements of subsection 2 of NAC 641.050.

3. ~~[Initial registration]~~ ***An initial provisional license*** as a psychological assistant is valid for 1 year. Except as otherwise provided in subsection 4, a psychological assistant may not renew his or her ~~[registration]~~ ***provisional license*** if it would cause the psychological assistant to be

~~[registered]~~ ***provisionally licensed*** as a psychological assistant for more than 3 years unless otherwise approved by the Board.

4. A person who has obtained the amount of postdoctoral supervised experience required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 in the District of Columbia or another state or territory of the United States, but has not completed the other requirements for licensure as a psychologist, must ~~[register]~~ ***obtain a provisional license*** as a psychological assistant. A psychological assistant may not renew his or her ~~[registration]~~ ***provisional license*** pursuant to this subsection if it would cause the psychological assistant to be ~~[registered]~~ ***provisionally licensed*** as a psychological assistant for more than 2 years unless otherwise approved by the Board.

Sec. 5. NAC 641.1515 is hereby amended to read as follows:

641.1515 1. Unless the person is participating in a federally-regulated internship program, a person may ~~[register with the Board]~~ ***obtain a provisional license*** as a psychological intern by submitting the appropriate application to the Board if the person wishes to obtain any predoctoral supervised experience that is required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080.

2. Unless otherwise approved by the Board, a person may apply to the Board for ~~[registration]~~ ***a provisional license*** as a psychological intern only after he or she has provided to the Board proof that he or she is currently enrolled on at least a part-time basis to obtain a doctoral degree from:

(a) A program which is accredited by the American Psychological Association or meets the requirements of NAC 641.061 or 641.062, as applicable; or

(b) An institution which meets the requirements of subsection 2 of NAC 641.050.

3. ~~[Registration]~~ ***A provisional license*** as a psychological intern is valid for 2 years unless otherwise approved by the Board.

4. After a psychological intern has obtained the amount of predoctoral supervised experience required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080, he or she may not apply for renewal of his or her ~~[registration]~~ ***provisional license*** as a psychological intern.

Sec. 6. NAC 641.15165 is hereby amended to read as follows:

641.15165 1. An application for registration ***as a psychological trainee or a provisional license*** as a psychological assistant ~~[,]~~ ***or*** psychological intern ~~[or psychological trainee]~~ shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

2. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such registration ***or provisional license*** and must pay any application fees in effect at the time of the reapplication.

Sec. 7. NAC 641.15195 is hereby amended to read as follows:

641.15195 1. A supervisor shall employ methods of proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee who is under his or her supervision to meet his or her ethical and legal responsibilities set forth in subsection 2 of NAC 641.161. Such methods must include the implementation of policies and procedures that ensure the accessibility of the supervisor to the psychological assistant, psychological intern or psychological trainee commensurate with the professional developmental level of the psychological assistant, psychological intern or psychological trainee as required by the

agreement submitted to the Board pursuant to NAC 641.1517 or 641.153, as applicable. Such methods may include:

(a) The physical presence of the supervisor;

(b) Availability of or observation by the supervisor electronically or by fiber optics; and

(c) Availability of another licensed medical or behavioral health provider affiliated with the site at which the psychological assistant, psychological intern or psychological trainee is providing services.

2. To ensure compliance with subsection 1, a supervisor may employ various modes and methods of supervision of a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation:

(a) Individual supervision;

(b) Group supervision;

(c) Tracking the progress of clients and patients treated or assessed by the psychological assistant, psychological intern or psychological trainee;

(d) Conducting therapy or an assessment with the psychological assistant, psychological intern or psychological trainee;

(e) Discussing the cases of clients and patients with the psychological assistant, psychological intern or psychological trainee;

(f) Directly observing the delivery of services by the psychological assistant, psychological intern or psychological trainee, either in person or through the use of a remote technology system which uses electronic, digital or other similar technology; or

(g) Reviewing audio or video recordings of the delivery of services by the psychological assistant, psychological intern or psychological trainee.

3. A supervisor shall:

(a) Maintain primary responsibility for the care plan of each client and patient treated or assessed by a psychological assistant, psychological intern or psychological trainee under his or her supervision; and

(b) Review and sign all clinical documentation, including, without limitation, reports, treatment plans and progress notes, for all services provided by a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation, those services for which he or she is seeking reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, as applicable.

4. Except as otherwise provided in this subsection, a supervisor shall be available to a psychological assistant, psychological intern or psychological trainee whom he or she supervises while the psychological assistant, psychological intern or psychological trainee is providing services to a client or patient. A supervisor shall arrange for the availability of another appropriate licensed medical or behavioral health provider in the case of the absence of the supervisor.

5. A supervisor shall provide to the Board:

(a) Evidence of the manner in which he or she meets his or her supervisory duties as outlined in subsections 1 and 2.

(b) Upon the registration of ***a psychological trainee or upon the issuance of a provisional license as*** a psychological assistant ~~[,]~~ ***or*** psychological intern ***,*** ~~[or psychological trainee,]~~ a training plan that includes, without limitation, the policies the supervisor will put in place to

ensure the availability of the supervisor or a designee thereof and the modes, methods, procedures or policies the supervisor intends to employ to ensure compliance with this section and NAC 641.161.

Sec. 8. NAC 641.158 is hereby amended to read as follows:

641.158 1. A psychologist may serve as a supervisor to a combination of not more than four full-time equivalent psychological assistants, psychological interns, psychological trainees or other interns licensed, registered ***, provisionally licensed*** or certified, as applicable, under the provisions of chapter 641A, 641B or 641C of NRS at the same time.

2. A psychologist shall not supervise:

(a) A person described in subsection 1 with whom the psychologist has a familial or other multiple relationship; or

(b) More persons described in subsection 1 than the psychologist is capable of ensuring adequate supervision.

3. A psychological assistant or psychological intern may not be employed by more than two supervisors at the same time.

4. A psychological trainee may not be assigned to more than two training sites at the same time.

5. As used in this section, "multiple relationship" means a professional relationship between a psychologist and another person where:

(a) The psychologist and the other person currently have another type of relationship;

(b) The psychologist is currently in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship; or

(c) The psychologist plans to enter into another relationship in the future with the person with whom the psychologist is in a professional relationship or a person closely associated with or related to that person.

Sec. 9. NAC 641.1685 is hereby amended to read as follows:

641.1685 1. Except as otherwise provided in subsection 2, a person who is engaged in the teaching of psychology or in psychological research is not required to obtain a license to practice psychology pursuant to chapter 641 of NRS.

2. A person shall not engage in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) ~~[Is actively registered]~~ ***Holds a provisional license*** as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or ~~[being actively registered]~~ ***a provisional license*** as a psychological assistant.

Sec. 10. NAC 641.210 is hereby amended to read as follows:

641.210 A psychologist:

1. Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment.

2. Shall, except as otherwise provided in this subsection, respond within 30 days after receiving any written communication from the Board and shall make available any relevant record with respect to an inquiry or complaint about his or her professional conduct. If a communication is mailed to a psychologist by the Board, he or she shall respond to the

communication within 30 days after it is mailed to him or her at the address shown on the records of the Board.

3. Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.

4. Shall not mislead or withhold from a patient, prospective patient or other person who will be responsible for payment of the psychologist's services, information concerning the fee for the professional services of the psychologist.

5. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a patient.

6. Shall not permit any person, other than:

(a) A partner, employee or associate in his or her professional firm or corporation;

(b) A psychologist retained as a subcontractor or consultant; or

(c) A properly registered ***psychological trainee or a provisionally licensed*** psychological assistant ~~[,]~~ ***or*** psychological intern ~~[or psychological trainee]~~ practicing under his or her supervision, except as otherwise provided in subsections 1, 2 and 3 of NAC 641.154,

➥ to share in a fee for professional services. The prohibition of this subsection includes any arrangement or agreement whereby the amount paid for office space, facilities, equipment or personal services used by the psychologist is based upon the income or receipts of his or her practice.

7. Shall exercise appropriate supervision over any person who is authorized to practice psychological services under his or her supervision.

8. Shall not exploit a person who is authorized to practice psychological services under his or her supervision.

Sec. 11. NAC 641.234 is hereby amended to read as follows:

641.234 1. If a psychologist communicates the results of an assessment procedure to a patient or client or to the legal guardian, parents or agent of a patient or client, he or she shall:

(a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and

(b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

2. A psychologist shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. Except as otherwise provided in subsection 4 or where otherwise required by specific federal or state law, a person who is licensed ***,*** ~~[or]~~ registered ***or provisionally licensed*** by the Board shall not disclose psychological test material or psychological test data:

(a) To any person, including, without limitation, the person who is the subject of the psychological test or assessment procedure; or

(b) During any judicial proceeding, administrative proceeding or legislative proceeding.

4. A person who is the subject of a psychological test or assessment procedure may request that records related to the psychological test or assessment procedure be disclosed to a designated psychologist. Any such request must be made in writing and comply with all applicable federal and state laws relating to the disclosure of mental health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Upon receipt of such a request, a person who is licensed ***,*** ~~[or]~~ registered ***or provisionally licensed*** by the Board shall disclose to the designated psychologist all records

related to the psychological test or assessment procedure. Nothing in this subsection shall be construed to authorize the inspection of psychological test materials by a person who is the subject of a psychological test or assessment procedure.

5. If a psychologist offers to other professionals an assessment procedure or automated interpretation service, he or she shall:

(a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefor, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;

(b) Explicitly state the purpose and application for which the procedure or service is recommended;

(c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and

(d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

6. As used in this section:

(a) "Psychological test data" has the meaning ascribed to the term "test data" in the *Ethical Principles of Psychologists and Code of Conduct* adopted by reference pursuant to subsection 1 of NAC 641.250.

(b) "Psychological test material" has the meaning ascribed to the term "test material" in the *Ethical Principles of Psychologists and Code of Conduct* adopted by reference pursuant to subsection 1 of NAC 641.250.

Sec. 12. NAC 641.1505 is hereby repealed.

Sec. 13. 1. This section and sections 1 and 12 of this regulation become effective on the date on which this regulation is filed with the Secretary of State.

2. Sections 2 to 11, inclusive, of this regulation become effective on the later of:

(a) January 1, 2026; or

(b) The date on which this regulation is filed with the Secretary of State.

TEXT OF REPEALED SECTION

641.1505 Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)

1. Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.

2. A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.

3. The following entities are exempt from the requirements of this section:

(a) A federal, state or local governmental agency or institution.

(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation.

(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:

(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;

(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;

(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;

(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and

(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066
LCB FILE R041-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641.

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

   This regulation was prepared in response to and to align the Board's regulations with 2025 SB251, which provides for the issuance of a provisional license, instead of a registration, to psychological assistants and psychological interns.

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.**

   A notice of a public workshop and a notice of the Board's intent to act upon the regulation were sent to persons who were known to have interest in the provisional licensure, in place of registration, of psychological assistants and psychological interns; to the Board's licensees; and to any specific person who requested notification regarding regulation changes. That distribution included further information on how to receive a free copy of the proposed regulation. These documents were also made available through the website of the Board of Psychological Examiners (psyexam.nv.gov) or by directly emailing the Board office (NBOP@govmail.state.nv.us), and were posted at the following location:

   State of Nevada
   Board of Psychological Examiners
   3080 South Durango Drive, Ste 102
   Las Vegas, Nevada 89117

   The Board held a public workshop on August 22, 2025, to discuss the proposed change to the current NAC Chapter 641. There was no public comment on R041-25 during that regulation workshop.

   The minutes of the August 22, 2025, meeting during which the Board conducted its regulation workshop, which can be obtained by contacting the Board office or locating them on the Board's website (psyexam.nv.gov), contain a summary of any discussion regarding the proposed changes.

   On November 10, 2025, the Board issued and posted a Notice of Intent to Act Upon a Regulation, which incorporated the proposed regulation change that the Board addressed at its August 22, 2025, regulation workshop. That notice included a request for submission of public comment regarding adoption of the regulation.

   On December 12, 2025, after the Board received an approved R041-25 draft from the Legislative Counsel Bureau, the Board conducted a public hearing on R041-25 during its regular Board meeting. The Board did not receive any public comment on the proposed regulation, and there was no opposition to the adoption of the regulation. The Board approved the adoption of proposed regulation R041-25 at the conclusion of the December 12, 2025, hearing on that regulation.

3. The number of persons who:

(a) Attended each hearing: December 12, 2025 – 15

(b) Testified at each hearing: December 12, 2025 – 0

(c) Submitted to the agency written comments: December 12, 2025 – 0

4. A list of names and contact information, including telephone number, business address, business telephone number, e-mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency:

December 12, 2025:

Yvonne Fritz (Psychologist)
Jodi Thomas (Psychologist)
Tatsiana Razzhavaikina (Psychologist)
Christopher Shewbarran (Psychologist – NPA)
Candis Carswell-Mitchell (Psychological Associate)
Kristi Walter (Applicant)
David Hines (Campbell Jones Cohen CPAs)
Kay See (Campbell Jones Cohen CPAs)
Beth Scott (NV Medicaid)
Don Hoier (private citizen)
Mary Marcu (private citizen)
Kelly Robertson (private citizen)
Andrew Parron (private citizen)
Becky Savio (private citizen)
Unidentified Caller (private citizen)

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

The Board solicited comments from affected businesses in the same manner as they were solicited from the public. Notice of the public workshop and notice of the Board's intent to act upon the regulation were sent to persons who were known to have interest in the provisional licensure, in place of registration, of psychological assistants and psychological interns; to the Board's licensees; and to any specific person who requested notification regarding regulation changes. The summary of the Board's discussion may be obtained from the meeting minutes, which will be provided and/or made available by contacting the Board office or locating them on the Board's website (psyexam.nv.gov). The Board did not receive any public comment on the proposed regulation.

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.

As drafted, R041-25 did not reflect any changes from the initial proposed language that had been drafted for and considered during the public workshop based upon and to align with 2025 SB251. For that reason, there were no changes proposed for R041-25, and the Board approved its adoption as provided in the LCB R041-25 draft.

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 be included:

a) Adverse, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate adverse effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Adverse, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long term adverse effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

b) Beneficial, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate beneficial effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Beneficial, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-term beneficial effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

c) Direct, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate direct effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Direct, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-term direct effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

d) Indirect, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate indirect effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Indirect, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-term indirect effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns in 2025 SB251 has an effect on health care reimbursement.

8. The estimated cost to the agency for enforcement of the adopted regulation.

To the extent that the revised regulation would require enforcement, there will be no increased cost for enforcement of the changes.

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

The Board is not aware of any overlapping or duplicating of federal or state 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.

The Board is not aware of any federal regulations that apply.

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.

R041-25 does not provide for a new fee or increase in an existing fee.

The State of Nevada Board of Psychological Examiners approved and adopted the regulation on December 12, 2025.

NRS 233B Statements
R041-25

Statement pursuant to NRS 233B.0608(3)

The Board of Psychological Examiners' determination is that the regulation does not: (1) impose a direct and significant economic burden upon a small business; or (2) directly restrict the formation, operation or expansion of a small business.

Reasons for that are: The Nevada Board of Psychological Examiners (Board) conducted a regulation workshop on August 22, 2025, and a public hearing on December 12, 2025.

- In attendance at the August 22, 2025, regulation workshop were 16 members of the public, 6 Board members, Board counsel, and Board staff. There was no public comment provided at the regulation workshop.
- On December 12, 2025, after it received the R041-25 draft from the Legislative Counsel Bureau, the Board conducted a public hearing that included 15 members of the public, 4 Board members, Board counsel and Board staff. There was no public comment provided on R041-25 during the regulation hearing. The Board approved the adoption of the regulation revision at the conclusion of the December 12, 2025, hearing.

The proposed regulation was provided to all impacted parties through the public workshop and hearing notices. The workshop and hearing notices were sent to persons who were known to have an interest in the regulation's content, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. During the August 22, 2025, regulation workshop and the December 12, 2025, regulation hearing, there were no members of the public who commented on the proposed regulation or any impact that the proposed regulation would have on small businesses. As a result, and notwithstanding that the Board does not regulate businesses, there was no basis on which the Board could conclude that there would be a direct or significant impact on small businesses.

The regulation workshop and hearing notices were published at the following location:

State of Nevada Board of Psychological Examiners
3080 South Durango Drive, Ste 102
Las Vegas, Nevada 89117

Notices were also posted to the Board's website (psyexam.nv.gov), to the Nevada Public Notice website (https://notice.nv.gov/), and were sent to all persons who were known to have an interest in the regulation, to the Board's licensees, and to all persons who had requested notice. No small business concerns were registered with the Board.

I, Sarah J. Restori, Executive Director for the State of Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

Sarah Restori

Sarah J. Restori
Nevada Board of Psychological Examiners

Statement Pursuant to NRS 233B.609 (1)

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.**

   The workshop and hearing notices were sent to persons who were known to have an interest the provisional licensure, in place of registration, of psychological assistants and psychological interns to the Board's licensees; to the Board's licensees; and to any specific person who requested notification regarding regulation changes. Those notices included information on how to receive a free copy of the proposed regulation, and the regulation documents were also made available through Nevada Board of Psychological Examiners' website (psyexam.nv.gov) or by directly emailing the Board office NBOP@govmail.state.nv.us, and posted at the following location:

   State of Nevada Board of Psychological Examiners
   3080 South Durango Drive, Ste 102
   Las Vegas, Nevada 89117

   The Board held a regulation workshop on August 22, 2025, to discuss the proposed revision to the current NAC Chapter 641. The minutes of that meeting that included the workshop, which can be obtained by contacting the Board office or locating them on the Board's website (psyexam.nv.gov), contain a summary of the discussion regarding the proposed change. The Board did not receive any public comment on the proposed regulation.

   On November 10, 2025, the Board issued and posted a Notice of the Board's Intent to Act Upon a Regulation, which incorporated the proposed regulation changes that the Board discussed at its August 22, 2025, regulation workshop. That notice included a request for submission of public comment regarding adoption of the regulation.

   On December 12, 2025, after the Board received the R041-25 draft from the Legislative Counsel Bureau, the Board conducted a public hearing on R041-25 during its regular Board meeting. The minutes of that meeting, which can be obtained through contacting the Board office or locating them on the Board's website (psyexam.nv.gov), contain a summary of the discussion regarding the proposed changes. The Board did not receive any public comment on the proposed regulation. The Board approved the adoption of proposed regulation R041-25 at the conclusion of its December 12, 2025, hearing.

2. **The manner in which the analysis was conducted.**

   As noted above, the Board conducted a public regulation workshop during its August 22, 2025, regular meeting to discuss language changes to the current NAC Chapter 641. The minutes of that workshop and meeting, which are available on the Board's website (psyexam.nv.gov) or can be obtained by contacting the Board office at NBOP@govmail.state.nv.us, contain a summary of the Board's discussion regarding the proposed language change. The Board did not receive any public comment during that regulation workshop.

   After it received the R041-25 draft from the Legislative Counsel Bureau, the Board posted and issued a Notice of the Board's Intent to Act Upon a Regulation, which incorporated the proposed regulation amendments discussed at the August 22, 2025, regulation workshop.

   The Board conducted its public regulation hearing during its December 12, 2025, meeting, during which no

public comment was provided.

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

a) Adverse, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate adverse effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Adverse, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long term adverse effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

b) Beneficial, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate beneficial effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Beneficial, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-term beneficial effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

c) Direct, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate direct effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Direct, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-

term direct effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

d) Indirect, immediate: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated immediate indirect effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns provided in 2025 SB251 has an effect on health care reimbursement.

Indirect, long-term: The Board does not regulate businesses. Be that as it may, because the regulation revisions in R041-25 were prepared in response to and to align with the new provisional licensure designation provisions of 2025 SB251, which provides for the provisional licensure (instead of registration) of psychological assistants and psychological interns, there are no known or estimated long-term indirect effects from this regulation, except to the extent that the new provisional licensure designation for psychological assistants and psychological interns in 2025 SB251 has an effect on health care reimbursement.

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.**

Because there was no basis on which the Board could conclude there would be an impact on small businesses, no impact methods were considered.

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

To the extent that the revised regulation would require enforcement, there will be no increased cost for enforcement of the changes.

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.**

R041-25 does not provide for a new fee or increase in an existing fee.

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.**

The Board is not aware of any overlapping or duplicating of federal or state regulations.

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

The Board conducted a public workshops during its August 22, 2025, regular meeting. In attendance at that meeting were 16 members of the public, 6 Board members, Board counsel and Board staff. The Board did not receive any comment from any members of the public.

The Board conducted a public regulation hearing during its December 12, 2025, meeting. In attendance at that hearing were 15 members of the public, 4 Board members, Board counsel and Board staff. The Board did not

receive any comment from any members of the public. The Board approved the adoption of the regulation revision at the conclusion of the December 12, 2025, hearing.

I, Sarah J. Restori, Executive Director for the State of Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

Sarah Restori
Sarah J. Restori
Nevada Board of Psychological Examiners

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R042-25

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

AUTHORITY: §§ 1-4, NRS 293.124 and 293.530.

A REGULATION relating to elections; requiring county clerks to mail written notices after each primary or general election to certain registered voters under certain circumstances; requiring county clerks to mail voter registration cards to all registered voters in odd-numbered years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, that county clerks designate certain registered voters as inactive. (NRS 293.530) If a registered voter is designated as inactive, the county or city clerk is not required to send the registered voter mail ballots or sample ballots in future elections. (NRS 293.269911, 293.269913, 293C.263, 293C.26312; NAC 293.412) A registered voter who is designated as inactive may still vote in person at a polling place. (NAC 293.412)

Section 2 of this regulation requires, for the purposes of determining whether a registered voter must be designated as an inactive voter after a primary election or general election, each county clerk to, under certain circumstances, mail written notice that complies with the applicable requirements of federal and state law to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the primary election or general election was returned by the United States Postal Service as undeliverable.

Section 3 of this regulation requires that, on or before certain deadlines in odd-numbered years, each county clerk mail a voter registration card to every registered voter in the county to confirm the address of the registered voter. If a voter registration card is returned as undeliverable, **section 3** further requires the county clerk to mail written notice that complies with the applicable requirements of federal and state law for purposes of determining whether the registered voter must be designated as an inactive voter.

Section 4 of this regulation clarifies that the provisions of **sections 2 and 3** shall not be construed to prohibit a county clerk from cancelling the voter registration of a person under certain circumstances, including if the person: (1) dies; (2) is convicted of a felony and is currently incarcerated; or (3) requests that his or her voter registration be cancelled.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. For purposes of determining whether a registered voter must be designated as an inactive voter after a primary election or general election:***

(a) Each county clerk shall mail written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the primary election was returned by the United States Postal Service as undeliverable and received by the county clerk on or before the day of the primary election. The written notice required by this paragraph must be mailed to the registered voter not earlier than the day after the canvass of the primary election but not later than 125 days before the general election.

(b) Each county clerk shall mail written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the general election was returned by the United States Postal Service as undeliverable. The written notice required by this paragraph must be mailed to the registered voter not later than 90 days after the general election.

2. Any written notice mailed to a registered voter pursuant to this section must indicate clearly that the written notice is official elections mail from the county clerk.

3. To the extent authorized by legislative appropriation, the Secretary of State will reimburse a county clerk for the costs of mailing any notice pursuant to this section.

Sec. 3. ***1. On or before the first business day in August of an odd-numbered year immediately preceding the presidential preference primary election and on or before the first business day in October of an odd-numbered year that is not immediately preceding a presidential preference primary election, each county clerk shall mail a voter registration card that contains the information required pursuant to NRS 293.484 to every registered voter in the county to confirm the address of the registered voter.***

2. A voter registration card mailed to a registered voter pursuant to subsection 1 must indicate clearly that the voter registration card is official elections mail from the county clerk.

3. If a voter registration card that was mailed to a registered voter pursuant to subsection 1 is returned by the United States Postal Service as undeliverable, the county clerk shall mail to the registered voter written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 for purposes of determining whether the registered voter must be designated as an inactive voter.

4. To the extent authorized by legislative appropriation, the Secretary of State will reimburse a county clerk for the costs of mailing voter registration cards pursuant to this section.

Sec. 4. ***The provisions of sections 2 and 3 of this regulation shall not be construed to prohibit a county clerk from cancelling the voter registration of a person pursuant to NRS 293.540, including, without limitation, if the person:***

1. Dies;

2. Is convicted of a felony and is currently incarcerated; or

3. Requests that his or her voter registration be cancelled.

R042-25RP2
January 21, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this regulation is to establish uniform procedures for maintaining the accuracy of the statewide voter registration list. Specifically, the regulation requires county clerks to mail written notices to registered voters when election mail is returned as undeliverable and to mail voter registration cards to registered voters in odd-numbered years for address confirmation purposes. These procedures provide consistency across counties, support compliance with state and federal election law, and promote accurate and current voter registration records.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.
   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 7, 2026 and the adoption hearing was held on January 21, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. Comments received generally asserted that the regulation exceeded statutory authority and interfered with existing election administration roles.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 7, 2026
   (a) Number in attendance: 6
   (b) Number testifying: 0
   (c) Written statements submitted: 2

   Adoption Hearing date: January 21, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 2

(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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.**
   Comments generally asserted that the regulation exceeded statutory authority and interfered with existing election administration roles. The regulation was adopted without change because it aligns with statute and clarifies existing voter registration processes, including inactive voter status, ballot distribution, and list maintenance. These provisions support accurate voter rolls, reduce unnecessary costs, and preserve voters' ability to register and vote up to the close of polls as provided by state law.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

Workshop - January 7, 2026	**Adoption Hearing - January 21, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org	Katrine Ivanoff https://mrsfixit.us/
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Ellen Gifford
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Cynthia Perine 7090 Windstar Drive Reno, NV 89523 perinecynthia@gmail.com	
Reva Crump unolabrat@gmail.com	
Jeffrey Church renocop@earthlink.net	
Lisa Mayo-DeRiso President/CEO Mayo & Associates | OnPoint Campaigns 702-403-7779	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R042-25RP2

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.

These proposed regulations do not create an economic effect on small businesses. These regulations impose requirements on county clerks to mail written notices to registered voters whose mail ballots or sample ballots are returned undeliverable and to mail voter registration cards to all registered voters in odd-numbered years to confirm voter addresses. These requirements relate solely to the maintenance of the statewide voter registration list and election administration and do not impose compliance obligations, costs, fees, reporting requirements, or other regulatory impacts that create an adverse or beneficial economic impact in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.

Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and

There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.

There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

ADOPTED REGULATION OF

THE COMMISSION ON MINERAL RESOURCES

LCB File No. R051-25

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

AUTHORITY: § 1, NRS 513.063 and 519A.290.

A REGULATION relating to mining reclamation; revising requirements of an application to participate in a program for the pooling of reclamation performance bonds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Minerals of the Commission on Mineral Resources to adopt regulations governing the development and administration of a program providing for the pooling of reclamation performance bonds. (NRS 519A.290) Existing regulations require that a person who submits an application to participate in the bond pool include a statement and documentation showing the structure of the business organization and the financial status of the applicant at the time of the application, including certain information relating to the organizational structure, assets, liabilities and net worth of the business organization and evidence that the financial statements of the applicant have been reviewed by a certified public accountant and are a fair representation of the financial status of the applicant. Existing regulations authorize the Administrator of the Division to waive the requirement to provide such evidence under certain circumstances. (NAC 519A.570) This regulation: (1) requires the applicant to provide evidence that the financial statements of the applicant have been compiled by a certified public accountant, rather than reviewed by a certified public accountant; and (2) removes the authority of the Administrator to waive the requirement to provide such evidence. This regulation also requires that the documentation submitted by the applicant include a signed and notarized affidavit stating that the information submitted by the applicant relating to such assets, liabilities and net worth of the business organization is true.

Section 1. NAC 519A.570 is hereby amended to read as follows:

519A.570 1. The Division will administer the bond pool.

2. A person who wishes to participate in the bond pool must complete an application on a form provided by the Division and submit any relevant information or supporting documents requested by the Division.

3. Except as otherwise provided in subsection ~~[5,]~~ ***4,*** an application to participate in the bond pool must include a statement by the applicant and documentation that:

(a) Indicates whether the applicant has ever forfeited a bond or surety held for the reclamation of mined land and, if so, the location of the operation for which the bond or surety was forfeited and the circumstances of the forfeiture.

(b) Lists the location, scale and any other pertinent details of the previous mining or exploration activities of the applicant that required reclamation performance bonding during the preceding 10 years.

(c) Shows the structure of the business organization and the financial status of the applicant at the time of application. ~~[Except as otherwise provided in subsection 4, the]~~ ***The*** documentation must include:

(1) An organizational chart naming any parent company;

(2) Current and long-term assets;

(3) Current and long-term liabilities;

(4) The net worth of the business organization; ~~[and]~~

(5) Evidence that the financial statements have been ~~[reviewed]~~ ***compiled*** by a certified public accountant and are a fair representation of the financial status of the applicant ~~[.~~

~~4. The Administrator may waive the requirements of subparagraph (5) of paragraph (c) of subsection 3 for an applicant who:~~

~~(a) Applies for bond coverage of $10,000 or less; and~~

~~(b) Submits to the Administrator a~~] ***; and***

(6) A signed and notarized affidavit stating under penalty of perjury that the information provided by the applicant pursuant to subparagraphs (2), (3) and (4) of paragraph (c) ~~[of subsection 3]~~ is true.

~~[5.]~~ ***4.*** An applicant is not required to comply with the provisions of subsection 3 when applying for a bond for a notice-level project.

THE NEVADA DIVISION OF MINERALS OF THE

COMMISSION ON MINERAL RESOURCES

INFORMATIONAL STATEMENT

SUBMITTED IN COMPLIANCE WITH NRS 233B.066

UPON ADOPTION OF REGULATION FOR THE PROGRAM FOR THE POOLING OF RECLAMATION PERFORMANCE BONDS IN CHAPTER 519A OF THE NEVADA ADMINISTRATIVE CODE

LCB File No. R051-25P

1/15/2026

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 519A.

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

   The need for the adopted regulation is to minimize the financial burden to apply for bonding through the Nevada Reclamation Performance Bond Pool.

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.**

   Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were made available at the following locations:

   Nevada Division of Minerals
   400 W. King St. #106
   Carson City, NV 89709

   Nevada Division of Minerals
   375 E. Warm Springs Rd. #205
   Las Vegas, NV 89119

   Capitol Building

101 North Carson Street
Carson City, Nevada 89701

On the internet at: https://minerals.nv.gov, https://notice.nv.gov, and https://www.leg.state.nv.us/

A public workshop was held on August 26th, 2025, at the Nevada Legislative Building, 401 South Carson Street, Carson City, NV 89701 and the minutes of that meeting, attached hereto as Exhibit B. Thereafter, on or about October 13th, 2025, the Administrator of the Nevada Division of Minerals issued a Notice of Intent to Act Upon a Regulation. No changes were made to the proposed regulation after the August 26th public workshop as there were no comments from workshop participants regarding NAC 519A, nor were any comments received by mail, email, or through any other means.

A public hearing was held on November 13th, 2025, in conjunction with a quarterly Commission on Mineral Resources meeting. No comments were made or submitted regarding the proposed changes to NAC 519A. The minutes of this meeting are attached hereto as Exhibit C.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Division of Minerals, 400 W. King St. #106, Carson City, NV 89703, 775-674-7040, ndom@minerals.nv.gov.

3. **The number of persons who:**

    a. **Attended each hearing:** Public Workshop, Aug. 26, 2025: 15 persons; Public Hearing, Nov 13., 2025: 19 persons

    b. **Testified at each hearing:** Public Workshop, Aug. 26, 2025: 0 persons; Public Hearing, Nov 13., 2025: 0 persons

    c. **Submitted to the agency written comments:** No written comments were submitted.

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, is attached as Exhibit A.**

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:**

   Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

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 permanent regulation was adopted on November 13th, 2025, and did not include any changes from the proposed regulation. No changes were made to the proposed regulation because there were no comments made by the Commission on Mineral Resources nor the public throughout the process.

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.**

      There are no reasonably foreseen adverse economic impacts resulting from the change in regulations.

      There are estimated beneficial economic impacts resulting from the change in regulations. Companies applying for participation in the Reclamation Performance Bond Pool will require less stringent financial statement review and preparation, reducing the financial burden required to apply.

   b. **Both immediate and long-term effects.**

      The effects of the change of regulation are the same in the short and long term.

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

There are no additional costs to the agency for enforcement of the adopted regulation.

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.**

   There are no state or government agency regulations that the proposed regulation overlaps or duplicates.

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

    The regulation is not more stringent than any known 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.**

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

Respectfully submitted,

Rob Ghiglieri

Digitally signed by Rob Ghiglieri
Date: 2026.01.15 15:21:43 -08'00'

Robert Ghiglieri,
Administrator
Nevada Division of Minerals

NAC 519A Workshop Participants (August 26th, 2025)

Name	Telephone Number	Business Address	Business Telephone Number	Email Address	Organization Represented
Leo Giangiacomo					
Bill Ehne				ehnient@aol.com	Consulting Geologist
Wesley Adams		90 South 400 West, Suite 410, Salt Lake City, UT 84101		ADMIN@ZANSKAR.COM	Zanskar Geothermal, Inc.
Ann Garth		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	agarth@catf.us	Clean Air Task Force
Terra Rogers		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	trogers@catf.us	Clean Air Task Force
Vanessa Robertson				Vanessa@geothermal.org	Geothermal Rising
Brandon Law				brandon.law@fervoenergy.com	Fervo Energy
Caity Smith		2479 East Bayshore Road, Suite 210, Palo Alto, CA 94303	707.477.5567	csmith@xgsenergy.com	XGS Energy
Sheldon Bide					Fervo Energy
Erica Freese					Ormat
Josh Nordquist				jnordquist@ormat.com	Commission on Mineral Resources / Ormat

NAC 519A Public Hearing Participants (November 13th, 2025)					
Fred Dilger					NV Agency for Nuclear Projects
Simon Jowitt					Nevada Bureau of Mines and Geology
Beatruz Maquez Garcia					
Ernesto Cuenca					
Kevin Vindel					
Josh Nordquist					CMR
Arthur Henderson					CMR
Nigel Bain					CMR
Stephanie Hallinan					CMR
Randy Griffin					CMR
Bob Potts					CMR
Robert Ghiglieri					NDOM
Rebecca Tims					NDOM
Garrett Wake					NDOM
Lucia Patterson					NDOM
Lorraine Belt-Dolan					NDOM
Nicole Ting					NV DAG
Daniel Marlow					LCB

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
http://minerals.nv.gov/

Las Vegas Office:
375 E. Warm Springs Rd. #205, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

JOE LOMBARDO
Governor

ROBERT GHIGLIERI
Administrator

Tuesday, August 26, 2025 1:00 P.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Leo Giangiacomo, Consultant (phone)
	Rebecca Tims	Wesley Adams, Zanskar Geothermal & Minerals, Inc (phone)
	Dustin Holcomb	Bill Ehne, Consulting Geologist
	Nicole Ting	Ann Garth, Clean Air Task Force
		Terra Rogers, Clean Air Task Force
		Vanessa Robertson, Geothermal Rising
		Brandon Law, Fervo Energy
		Caity Smith, XGS Energy
		Sheldon Bide, Fervo Energy
		Erica Freese, Ormat

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

I. Intent
The Division of Minerals held a public workshop to update regulations on NACs 513, 519A, 522, and 534A. Administrator Ghiglieri provided an overview of the workshop process and intent. He then presented on the proposed changes to each regulation and concluded by explaining the next steps in the regulatory change process.

II. NAC 513
There were no public comments on NAC 513.

III. NAC 519A
There were no public comments on NAC 519A.

IV. NAC 522
A **Leo Giangiacomo** of the public made a comment regarding the release of natural gas. He stated if he releases one molecule of natural gas in the process of drilling a completion that he is in violation of regulations and feels that this is impractical. He stated there should be a minimal volume in which this kicks in at rather than any volume. **Wesley Adams** questioned the submittal of core and asked how much of the rock core needs to be slabbed and sent to the Division of

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program at NDEP. **Bill Ehne** said he thinks one of the reasons that you haven't seen a lot of permits for oil and gas, is because they are onerous and I think maybe dividing up and making it a little more simple to do a test well. I see these regulations being adequate for production scale things but maybe there should be a modification or some exceptions for tests wells or exploratory wells because you really don't know what you're going to do until you've got that first well in the system.

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

ADJOURNMENT
The meeting adjourned at 2:38 PM.

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STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
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ROBERT GHIGLIERI
Administrator

Thursday, November 13, 2025 1:00 P.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Fred Dillinger
Arthur Henderson	Rebecca Tims	Simon Jowitt
Nigel Bain	Garrett Wake	Beatriz Maquez Garcia
Stephanie Hallinan	Lucia Patterson	Ernesto Cuenca
Bob Felder	Lorraine Belt-Dolan	Kevin Vindel
Randy Griffin Via Zoom	Nicole Ting	
Bob Potts Via Zoom	Daniel Marlow	

CALL TO ORDER
1:00 PM by Josh Nordquist

Roll Call
All commissioners were present.

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

I. Agenda

A. Approval of the Agenda
Agenda item IV.G under Agency Business was moved to Agenda Item IV.C.
Motion to approve the agenda made by: Stephanie Hallinan
Seconded by: Arthur Henderson
Unanimously approved

II. Minutes

A. Approval of the meeting minutes from the August 7, 2025, meeting
Motion to approve the minutes made by: Bob Potts
Seconded by: Bob Felder
Unanimously approved

III. Intent to Adopt Regulation

Robert Ghiglieri updated the commission on the proposed permanent regulation change to NAC 519A as LCB File R051-25. The purpose of the revisions is to reduce the financial burden of operators applying for participation to the Bond Pool. The public workshop was held on Tuesday, August 26th at the legislative building. Changes to NAC 519A were not received.

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The bond pool holds relatively small bonds with a cap of $3M per project. The main point of the bond pool is for small exploration projects. The Division reached out to all bond pool participants on the changes and received no comments. There we no comments after the public workshop. There is no perceived negative small business impact due to this change. The next step is submission to the legislative commission for adoption. **Bob Potts** asked if we received any comments or concern from the legislature. **Rob Ghiglieri** stated we received no comments or feedback from the legislature. These changes align with the governor's directive to streamline regulations. We identified this change three years ago and decided to make the change after the governor's office asked us to identify additional regulations to streamline.

Motion to Approve: Bob Felder
Seconded by: Art Henderson
Unanimously Approved

IV. Agency Business

A. NvMA Update

Amanda Hilton updated the commission on current happenings from the NvMA. Amanda said the NvMA recently updated their mission statement. The association recently onboarded over 200 new members. Workforce development is the current focus of the association. NvMA served as the united voice for the mining industry during the last legislative session and works with the state's federal delegation. Amanda noted the passage of AB 277, which allows the net proceeds of minerals bulletin to again be published. NvMA is again cosponsoring the annual teacher workshops on March 16-17 in southern Nevada and June 17-18 in Northern Nevada. NvMA had over 900 attendees at their annual convention which was a record. Amanda noted that the state is lacking in processing facilities for critical minerals. Amanda concluded by reporting on mining's beneficial impacts on the state and asked for questions.

Randy Griffin asked if anyone identified any rare earth minerals within Nevada's borders? **Amanda Hilton** said she is not aware of any minerals that are classified as rare earth minerals within our borders. Amanda said she met with the Army research lab and they provided a list of their minerals that they are looking for and that every branch of the military is looking for different minerals. The army research lab gave a list of 10 different minerals and Nevada has resources for at least four of those. **Simon Jowitt** said there is one exploration project down by searchlight and that there is other potential in the state. **Nigel Bain** said that Turquoise Ridge is the biggest employee group between Sacramento and the state line. The next group is Winnemucca. He says there is a pull coming from Northern California. **Amanda Hilton** said when we were doing our strategic communications plan, we were identifying areas where we could find mid-level career folks. The reason we chose Northern California is because the cost of living is higher and that there are opportunities for anyone who is at any stage in their career to work in the mining industry.

B. Thorium Presentation

Fred Dillinger presented thorium and general energy issues. He said that talent is also a problem in energy and is the first topic discussed. He said US energy demand is going to skyrocket due to AI, transportation electrification, and quantum computing. Regulations are a major factor limiting nuclear power plants right now. We know how to run a light-water reactor very well but not thorium; India can do this, and China is working on it as well. One benefit of thorium reactors is that they do not need to be shut down to add fuel, it generates less radioactive waste and is walk-away safe. Advantages of thorium include greater abundance and enhanced safety; disadvantages include less understanding of the fuel cycle and lack of infrastructure. Recent reactor developments include Microsoft's development of Three Mile Island and Holtec in the Palisades. Fusion is being worked on and is an engineering challenge right now. Lithium is necessary to create tritium for fusion. Fred asked for questions.

Josh Nordquist said SMR's (Small Modular Reactors) have been a hot topic and asked what is your take on the current development? **Fred Dillinger** replied when he talks to people in the field, it is all smoke and mirrors. Small module reactors will eventually scale up and they inherently produce more waste. The department of energy is going to call some of these companies and ask them to show why they are not going to produce more waste. We have about 93,000 tons of spent nuclear fuel from our existing inventory of reactors that we have not found a

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In September the governor had a critical mineral summit in Las Vegas and Rob participated in a panel discussion. The Division received all its data back from the statewide data breach. The AML program worked with the Washoe County search and rescue team to train on AML rescue. We have a new cooperative agreement to do AML work on National Park Service land pending task agreements. The Good Samaritan project is moving forward, we anticipate being one of the first applicants to receive funding. The EPA is supportive of Nevada and Colorado's projects. There are some legal issues to deal with that are being worked through due to NSHE owning the land. If it doesn't work, we could still have industry fund the project. We did an internal review of all agency positions and job duties. We were approved a 13th FTE this legislative session and moved two employees into more accurate positions. Rob and Lucia visited Washington DC for the Interstate Mining Compact Commission; he had with 11 meetings with staffers and one briefing surrounding mineral resources. We awarded three reclamation awards this year and the Division created a video highlighting the awards. There is a senate natural resources committee hearing to review BLM land use planning under FLPMA. HR4009 is a bill we're watching which move executive orders into law, and HR 4779, the SPEED act, which limits the legal litigation duration from six years to 150 days. The Mining Schools Act still seems dead in the water. No questions. Rob introduced the Division's newest employee, Lorrain Belt-Dolan, Las Vegas office administrative assistant.

V. Commission Business

A. Election of Vice Chair
Stephanie Hallinan was selected as Vice Chair by the Chairman. Stephanie Hallinan accepted the role.

B. Correspondence from the Commission
There was no correspondence from the commission.

C. Review of Staff Monthly Reports
There were no comments.

D. Future Meeting Agenda Items, Location, and Date
Next meeting agenda items include conceptual BDR's for 2027 and are due March 26th, 2026 and NAC 534A regulation changes. The next commission meeting is scheduled for February 19th , 2026 in Las Vegas.

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COMMENTS BY THE GENERAL PUBLIC
There were no comments.

ADJOURNMENT
The meeting adjourned at 5:10 PM.

NOTICE TO PERSONS WITH DISABILITIES
Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Division of Minerals, 400 W. King Street, Suite 106, Carson City, NV 89703 or contact Rebecca Tims at (775) 684-7043 or by email at rtims@minerals.nv.gov.

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ROBERT GHIGLIERI
Administrator

NEVADA DIVISION OF MINERALS SMALL BUSINESS IMPACT STATEMENT

August 6th, 2025

RE: Proposed Permanent Changes to Nevada Administrative Code Chapter 519A

I, Robert Ghiglieri, Administrator, Nevada Division of Minerals, do hereby 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 businesses and that the information contained in the statement is accurate:

> Pursuant to NRS 233B.0608, the proposed administrative regulation changes are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

Background and purpose:

The Division of Minerals (Division) administers the Nevada Performance Reclamation Bond Pool (Bond Pool) in accordance with NRS Chapter 519A.290 and NAC Chapter 519A.510 - .630, inclusive. The Division is proposing modifications to NAC 519A.570 in accordance with Executive Order EO 2023-003. These proposed changes specify a lower financial review threshold necessary to apply for a bond with the Bond Pool in lieu of a signed affidavit affirming the submitted information is true and correct to the best of the submitter's knowledge. As part of the Division's due diligence, a small business impact questionnaire was developed to seek input from the State of Nevada's current and past Bond Pool participants and mining operators on the proposed changes.

Statement of methods used in determining the impact of the proposed regulation on a small business:

The Division developed a digital questionnaire which presented the proposed modifications to NAC 519A and asked whether the change to NAC 519A.570 would impact a small business in accordance with NRS 233B.0608. The questionnaire was transmitted by email to 212 unique email addresses associated with 196 businesses or individuals; the list of addresses is maintained by the Division for its annual production reporting mailout, and current and former Bond Pool participants. The Division received zero responses to this questionnaire.

Evaluation of Impact:

The proposed modification to NAC 519A.570 is meant to ease the burden on junior and mid-level exploration and mining companies, most of which are small businesses, in applying for bond coverage through the Nevada Reclamation Performance Bond Pool. Changing the requirement from a financial

Commission on Mineral Resources

Nigel Bain; *Large-Scale Mining*
Robert Felder; *Exploration and Development*
Randy Griffin; *Small-Scale Mining and Prospecting*
Josh Nordquist, Chairman; *Geothermal Resources*
Stephanie Hallinan; Large-Scale Mining
Arthur Henderson; *Oil and Gas*
Robert Potts, *Public at Large*

review to a financial compilation removes the requirement for companies to use a third-party CPA to prepare financial documents. The use of an affidavit allows the Division to ensure proper financial filings are submitted without causing an undue burden on the applicant.

Division staff reviewed the proposed modifications and concluded they will not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business.

Respectfully,



Robert Ghiglieri
Administrator
Nevada Division of Minerals

ADOPTED REGULATION OF THE

NEVADA STATE BOARD OF ACCOUNTANCY

LCB File No. R054-25

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

AUTHORITY: §§ 1 and 5, NRS 628.120 and 628.375, as amended by section 6 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 151; §§ 2 and 3, NRS 628.120 and 628.200, as amended by section 2 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 148; § 4, NRS 628.120 and 628.310, as amended by section 5 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 150; § 6, NRS 628.120 and 628.160; §§ 7 and 8, NRS 628.120, 628.160 and 628.386.

A REGULATION relating to accountants; revising provisions governing fees and administrative fines imposed by the Nevada State Board of Accountancy; revising education and work experience requirements for a certificate of certified public accountant; revising requirements for continuing education for an applicant for the issuance of a certificate by reciprocity; revising provisions adopting by reference the *Code of Professional Conduct* adopted by the American Institute of Certified Public Accountants; revising certain reporting requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations set forth a tiered schedule of administrative fines to be imposed by the Nevada State Board of Accountancy for the late completion of continuing education requirements, which vary based upon the tardiness of the completion. (NAC 628.016) **Section 1** of this regulation eliminates the tiers of administrative fines for continuing education requirements that are completed more than 3 months late.

Existing law and regulations require the Board to adopt regulations that prescribe a fee for registering a fictitious name with the Board. (NRS 628.375; NAC 628.016, 628.130) Assembly Bill No. 510 (A.B. 510) of the 2025 Legislative Session removes that requirement and instead authorizes the Board to establish such a fee. (NRS 628.375, as amended by section 6 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 151) Accordingly, **section 1** revises provisions of existing regulations that require the Board to establish such a fee and instead authorizes the Board to establish such a fee. **Section 5** of this regulation makes a conforming change to indicate that the establishment of such a fee by the Board is authorized but not required.

Existing law and regulations set forth the requirements for education and experience for a certificate of certified public accountant. (NRS 628.200; NAC 628.055, 628.060) A.B. 510 eliminates a variety of those requirements set forth in existing law and instead requires the Board to prescribe by regulation the requirements and standards for education and work experience

which the Board deems appropriate for the issuance of a certificate of certified public accountant. (NRS 628.200, as amended by section 2 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 148)

Sections 2 and 3 of this regulation revise the requirements for education and work experience, respectively, for a certificate of certified public accountant to require: (1) a master's degree in a concentration of accounting or an equivalent concentration and experience that consists of at least 2,000 hours of work performed over a period of not less than 1 year; (2) a bachelor's degree in a concentration of accounting or an equivalent concentration, completion of an additional 30 semester hours and experience that consists of at least 2,000 hours of work performed over a period of not less than 1 year; or (3) a bachelor's degree in accounting or an equivalent concentration and experience that consists of at least 4,000 hours of work performed over a period of not less than 2 years.

Existing regulations provide that, to satisfy the requirements for work experience, all work must have been performed under the direct supervision of a person engaged in active practice as a certified public accountant. (NAC 628.060) **Section 3** instead requires all work to have been performed under the supervision of a person who held an active license as a certified public accountant during the time for which the experience is being verified.

Existing regulations require an applicant for the issuance of a certificate by reciprocity to submit proof that he or she has completed at least 20 hours of continuing education within 12 months before the date on which his or her application is filed. (NAC 628.070) **Section 4** of this regulation requires such an applicant to submit proof of the completion of the continuing education only if, during the 12-month period immediately preceding the date on which the applicant files his or her application, the applicant has not held an active certificate as a certified public accountant issued by another state or jurisdiction of the United States or an equivalent certificate issued by a foreign country.

Section 6 of this regulation revises provisions adopting by reference the *Code of Professional Conduct* adopted by the American Institute of Certified Public Accountants.

Existing regulations require: (1) practitioners who perform audit, review, full disclosure compilation or attestation services to enroll in a practice-monitoring program to ensure that the practitioner is maintaining the standards of the profession; and (2) practitioners who do not perform such services to report these facts to the Board. (NAC 628.580) Existing regulations provide that the Board will: (1) assign one-third of the practitioners who hold a live permit or current certificate in this State to each year of a 3-year cycle of reporting; (2) each year, notify each practitioner who is required for that year to submit to the Board a copy of the practice-monitoring documents; and (3) review the reports submitted by practitioners. (NAC 628.575) **Section 8** of this regulation: (1) eliminates provisions regarding the establishment by the Board of the 3-year cycle of reporting by practitioners; and (2) provides that the Board will notify each practitioner who is required to enroll in a practice-monitoring program for a given year that the practitioner is required to submit to the Board a copy of the practice-monitoring documents for that year. **Section 7** of this regulation eliminates a letter of comment from the collection of documents that constitute the practice-monitoring documents which are required to be submitted to the Board.

Section 1. NAC 628.016 is hereby amended to read as follows:

628.016 1. The following fees for examinations are prescribed by the Board:

(a) For an initial examination for a certificate as a certified public accountant, the Board will establish each year a fee that will not exceed $500

The fee for an initial examination will be waived for a person who 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.

(b) For reexamination, the Board will establish each year a fee for each section that will not exceed $100

The fee for reexamination will be waived for a person who 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.

2. The following fees for applications are prescribed by the Board:

(a) For an application for a certificate as a certified public accountant by reciprocity or pursuant to passing the Uniform Certified Public Accountant Examination administered in this State or in another jurisdiction $200

plus the actual cost of the investigation required pursuant to NAC 628.019, which will not exceed $100. The fee for an application for a certificate as a certified public accountant will be waived for a person who 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.

(b) For an application for registration of a firm, the Board will establish each year a fee that will not exceed..... $250

3. The following other fees are prescribed by the Board:

(a) For filing an annual report for a firm, the Board will establish each year a fee that will not exceed $200

(b) For the late filing of an annual report of a firm, the Board will establish each year a fee that will not exceed..... $200

(c) For reinstatement into public practice from retired or inactive status $250

(d) For the late filing of the annual renewal of a permit to practice public accounting, after January 31 of each year, the Board will establish each year a fee that will not exceed $200

(e) For registering a fictitious name, the Board ~~[will]~~ ***may*** establish each year a fee that will not exceed $100

(f) For the late completion of continuing education requirements, an administrative fine in the following amounts:

(1) If completed 1 calendar month late $100

(2) If completed 2 to 3 calendar months late..... $350

~~[(3) If completed 4 to 5 calendar months late ..... $850~~

~~(4) If completed 6 to 7 calendar months late.....$1,600]~~

(g) A uniform fee for an annual permit or an annual renewal of a permit to practice public accounting will be established by the Board each year. The fee will not exceed $200 and will be prorated if an initial annual permit is obtained during the year.

(h) The Board will charge a fee of 50 cents per page, up to 100 pages, for providing a copy of a public record to a requester pursuant to NRS 239.052. For a public records request that exceeds 100 pages, the Board may use a bulk copy center for copying the public record. If the Board uses a bulk copying center to copy a public record, the Board may charge a fee that must not exceed

the actual cost to the Board to provide the copy of the public record. The copy of the requested public record may be provided electronically as deemed appropriate by the Board.

4. Any fee paid pursuant to this section must be paid in the currency of the United States.

Sec. 2. NAC 628.055 is hereby amended to read as follows:

628.055 1. The requirement of education for a certificate of certified public accountant ~~[set forth in NRS 628.200 requiring at least 150 semester hours from a college or university recognized by the Board]~~ may be satisfied ~~[in whole or in part by the equivalent number of quarter hours of college credits from a]~~ ***by completing one of the following educational programs from an accredited*** college or university recognized by the Board ~~[.]~~ ***and which includes the courses set forth in subsection 2:***

(a) A master's degree. A person who satisfies the requirement of education for a certificate of certified public accountant in accordance with this paragraph must satisfy the requirement of experience set forth in paragraph (a) of subsection 3 of NAC 628.060.

(b) A bachelor's degree and an additional 30 semester hours of courses set forth in subsection 2. A person who satisfies the requirement of education for a certificate of certified public accountant in accordance with this paragraph must satisfy the requirement of experience set forth in paragraph (a) of subsection 3 of NAC 628.060.

(c) A bachelor's degree with no additional semester hours of courses set forth in subsection 2. A person who satisfies the requirement of education for a certificate of certified public accountant in accordance with this paragraph must satisfy the requirement of experience set forth in paragraph (b) of subsection 3 of NAC 628.060.

2. The ~~[150 semester hours]~~ ***educational programs*** required ~~[for a certificate of certified public accountant pursuant to NRS 628.200]~~ ***by subsection 1*** must include ~~[at least:]~~ ***a concentration in accounting or an equivalent concentration comprised of the following:***

(a) Twenty-four semester hours in courses above the level of introductory courses which include 6 hours in financial accounting, 3 hours in cost and managerial accounting, 3 hours in auditing, 3 hours in federal income tax and 9 hours in electives related to accounting;

(b) Three semester hours in business law; and

(c) Twenty-four semester hours of courses in business, at the undergraduate or graduate level, other than courses in accounting and courses required under paragraphs (a) and (b), in the following subject areas:

(1) Organizational behavior.

(2) Business finance.

(3) Business law.

(4) Data analytics.

(5) Data interrogation techniques.

(6) Digital acumen in accounting.

(7) Economics.

(8) Ethics in business.

(9) Information systems.

(10) Legal and social environment of business.

(11) Management.

(12) Marketing.

(13) Oral communication.

(14) Quantitative applications in business.

(15) Statistics.

(16) Written communication, other than English courses for freshman students, including, but not limited to, business communications, advanced grammar and technical writing.

~~[↦]~~

3. The semester hours required by this ~~[subsection]~~ ***section*** may be satisfied in whole or in part by the equivalent number of quarter hours of college credits from a college or university recognized by the Board.

~~[3. An applicant holding a bachelor's degree and a master's degree in accounting that combined include 150 semester hours of education awarded by an institution which is accredited by an organization approved by the Board on the dates the degrees are awarded shall be deemed to be in compliance with the educational requirements for a certificate of certified public accountant set forth in NRS 628.200 and this section.~~

~~4. If a school or institution does not use a system of accounting based upon semester hours, the Board will convert the hours completed in such a school or institution to semester hours based upon a standard system of conversion.]~~

Sec. 3. NAC 628.060 is hereby amended to read as follows:

628.060 1. The requirement of experience must be satisfied by an applicant for a certificate of certified public accountant as set forth in this section ***.*** ~~[and subsection 2 of NRS 628.200, as amended by section 2 of Senate Bill No. 437, chapter 61, Statutes of Nevada 2023, at page 298.]~~

2. ~~[To satisfy the requirement of subsection 2 of NRS 628.200, as amended by section 2 of Senate Bill No. 437, chapter 61, Statutes of Nevada 2023, at page 298, the]~~ ***The*** experience of an

applicant must consist of ~~[at least 2,000]~~ ***the number of*** hours of work ***required by subsection 3*** with increasing levels of complexity and diversity, performed ~~[over a period of not less than 1 year]~~ in industry, public practice, government or a nonprofit organization, where the applicant provides any type of professional service or advice using accounting, attestation, compilation, management advisory services, financial advisory services or tax consulting.

3. ***The experience of an applicant who completed his or her education in accordance with:***

(a) Paragraph (a) or (b) of subsection 1 of NAC 628.055 must consist of at least 2,000 hours of work performed over a period of not less than 1 year.

(b) Paragraph (c) of subsection 1 of NAC 628.055 must consist of at least 4,000 hours of work performed over a period of not less than 2 years.

4. The following tasks must not be considered to satisfy the requirement of experience set forth in ~~[subsection 2:]~~ ***this section:***

(a) Administrative and clerical functions that do not require discretion and judgment;

(b) Personnel recruiting;

(c) Actuarial services;

(d) Expert testimony or litigation support;

(e) Valuation services, except those valuation services performed in connection with the valuation assertion testing of financial statements, including, without limitation, real estate and personal property appraisals and business valuations;

(f) Bookkeeping;

(g) Approving and processing routine accounting transactions, including, without limitation, transactions involving cash receipts and disbursements, the procurement of goods and services, payroll processing and recurring journal entries; or

(h) The development, maintenance and monitoring of electronic systems and tools, software and hardware.

~~[4.]~~ ***5.*** To satisfy the requirements for experience set forth in this section, all work must have been performed under the ~~[direct]~~ supervision of a person ~~[engaged in active practice]~~ ***who held an active license*** as a certified public accountant ~~[.~~

~~5.]~~ ***during the time for which the experience is being verified.***

6. An applicant must complete and submit a form for the verification of experience to the Board as proof of his or her experience. The form must be signed, under penalty of perjury, by one or more certified public accountants who supervised, or have sufficient knowledge of, the applicant's work and can certify the character, extent and nature of that work. Upon request, an applicant must obtain and submit any records and supporting documentation of the experience of the applicant for inspection and review by the Board.

~~[6.]~~ ***7.*** The applicant shall maintain, for 3 years after obtaining a certificate of certified public accountant, the records and supporting documentation of the applicant's experience for inspection and review by the Board.

~~[7.]~~ ***8.*** A certified public accountant who signs an applicant's form for the verification of experience pursuant to subsection ~~[5]~~ ***6*** shall maintain, for 3 years after signing the form, any records and supporting documentation of the experience of the applicant for inspection and review by the Board.

~~[8.]~~ ***9.*** Each applicant must submit the names of at least three persons who are not related by blood or marriage to the applicant and can vouch for the character of the applicant. A person may not be issued a certificate until the Board is satisfied that the person is of fiscal integrity and without any history of acts involving dishonesty or moral turpitude.

Sec. 4. NAC 628.070 is hereby amended to read as follows:

628.070 1. The Board may grant a certificate by reciprocity to practice to any person who is the holder of:

(a) A certificate as a certified public accountant then in effect issued pursuant to the laws of any state or other jurisdiction of the United States; or

(b) An equivalent certificate then in effect issued by a foreign country pursuant to the provisions of NRS 628.310 ~~[.]~~ ***, as amended by section 5 of Assembly Bill No. 510, chapter 29, Statutes of Nevada 2025, at page 150.***

2. The Board may accept the scores of an applicant from the Uniform Certified Public Accountant Examination or any other examination approved by the Board taken in another state and waive the manner in which the scores were obtained.

3. ~~[An]~~ ***If, for the 12-month period immediately preceding the date on which an applicant files his or her application for the issuance of a certificate by reciprocity, the applicant has not held an active certificate as a certified public accountant issued pursuant to the laws of another state or jurisdiction of the United States or an equivalent certificate issued by a foreign country, the*** applicant must submit proof that he or she has completed at least 20 hours of continuing education within 12 months before the date on which the application ~~[for the issuance of a certificate of reciprocity]~~ is filed.

4. An applicant from a foreign country must pass an equivalent examination approved by the Board.

Sec. 5. NAC 628.130 is hereby amended to read as follows:

628.130 1. A firm must file with the Board an application for registration as provided in NRS 628.335, as amended by section 7 of Senate Bill No. 437, chapter 61, Statutes of Nevada 2023, at page 301. The application must be accompanied by the prescribed fee.

2. Before a certified public accountant, or a certified public accounting firm with an office in this State, engages in the practice of public accounting in this State under a fictitious name, the certified public accountant or firm must first obtain the approval of the Board. ~~[An]~~ ***If the Board has established a fee for registering a fictitious name pursuant to NAC 628.016, an*** application for registration that is filed with the Board and includes a request for the registration of a fictitious name must be accompanied by the prescribed fee in accordance with NAC 628.016.

3. The Board, within a reasonable time after the submission of an application for registration, will either approve the application and issue a certificate of registration or refuse approval and notify the applicant of the reasons for refusal and the procedure for requesting a hearing on the disapproval.

Sec. 6. NAC 628.500 is hereby amended to read as follows:

628.500 1. The Board hereby adopts by reference the *Code of Professional Conduct* adopted by the American Institute of Certified Public Accountants, with the following exceptions:

(a) References to "member" are amended to refer to "practitioner."

(b) ~~[The definition of "financial statements" in paragraph .17 of section 0.400 is amended to read as follows:~~

~~(1) "Financial statements" means:~~

~~(I) Any statements or footnotes related thereto that purport to demonstrate the financial condition of a person at a particular time or the change in a person's financial condition during a particular period; or~~

~~(II) Any statements prepared using a cash or other comprehensive basis of accounting.~~

~~(2) The term includes balance sheets, statements of income, statements of retained earnings, statements of cash flows and statements of changes in equity.~~

~~(3) The term does not include incidental financial data that is included in reports concerning advisory services for management made to support recommendations to a client, tax returns or schedules in support of a tax return, or the statement, affidavit or signature of the person who prepares a tax return.~~

~~(c)~~ The definition of "public practice" in paragraph ~~.42~~ ***.44*** of section 0.400 is amended to have the meaning ascribed to the definition of "practice of public accounting" in NRS 628.023.

~~(d)~~ ***(c)*** The disclosure required pursuant to paragraph .03 of section 1.520.001 must:

(1) Include the amount of the commission expressed in dollars or the method, described in plain language, used to calculate the commission;

(2) Include the name of the person or entity paying the commission;

(3) Be written;

(4) Be made on or before the date of referral or recommendation; and

(5) Be signed and dated.

~~(e)~~ ***(d)*** The statement, affidavit or signature of the preparer of a tax return does not constitute an opinion on a financial statement, and the preparer of the tax return is not required to make a disclaimer of such an opinion.

~~[(f) The Board does not adopt by reference, pursuant to this section, Appendix B of the Code of Professional Conduct.]~~

2. A copy of the *Code of Professional Conduct* may be obtained from the American Institute of Certified Public Accountants at its Internet website, **http://pub.aicpa.org/codeofconduct**, free of charge.

3. The Board will periodically review the standards adopted by reference in this section and determine within 30 days after the review whether any change made to the standards is appropriate for application in this State. If the Board does not disapprove a change to the standards within 30 days after the review, the change is deemed to be approved by the Board.

Sec. 7. NAC 628.560 is hereby amended to read as follows:

628.560 "Practice-monitoring documents" means the documents, determinations and reports developed as the result of an evaluation of a practitioner conducted pursuant to a practice-monitoring program, including, without limitation:

1. An enrollment letter which contains the date on which the peer review report of the practitioner must be submitted to the sponsoring organization;

2. A peer review report;

3. ~~[A letter of comment;~~

~~4.]~~ A letter of response;

~~[5.]~~ ***4.*** A letter of acceptance;

~~[6.]~~ ***5.*** A letter of completion; and

~~[7.]~~ ***6.*** Any other document, report or determination developed as a result of the evaluation of a practitioner conducted pursuant to a practice-monitoring program, including, without limitation, a document which contains:

(a) The date on which the most recent practice-monitoring program enrollment or reenrollment letter was issued.

(b) An affirmation that no audit, review, full disclosure compilation or attestation report was issued by the practitioner in the immediately preceding 12 months.

(c) A date by which any outstanding corrective action prescribed by a report acceptance body must be completed by the practitioner.

(d) A date relating to the completion of an evaluation, including, without limitation:

(1) The date on which a peer review was scheduled.

(2) The estimated dates on which a peer review will be conducted.

(3) The estimated date by which the sponsoring organization will present the peer review report to a report acceptance body.

(4) The revised date on which the practitioner must submit practice-monitoring documents to the sponsoring organization, if an extension has been granted.

Sec. 8. NAC 628.575 is hereby amended to read as follows:

628.575 1. The Board will review the reports submitted by practitioners pursuant to NAC 628.550 to 628.590, inclusive, to determine whether the practitioners have complied with applicable standards of reporting ***.*** ~~[on a 3-year cycle and will assign one-third of the practitioners who hold a live permit or current certificate in this State to each year of the cycle.]~~

2. ~~[Each calendar year, the]~~ ***The*** Board will notify each practitioner who is ***required to enroll in a practice-monitoring program for a given year pursuant to NAC 628.580 that the practitioner is*** required ~~[for that year]~~ to submit to the Board a copy of the practice-monitoring documents ~~[~~.

~~3. The 3-year cycle established pursuant to this section does not affect the requirements for the annual renewal of office registrations or permits contained in NRS 628.370 and 628.380.~~ ***for that year.***

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INFORMATIONAL STATEMENT FOR ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 R054-25

The informational statement required by NRS 233B.066 is submitted for the adopted amendments to Nevada Administrative Code ("NAC") Chapter 628:

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

The Board is required by NRS 628.200(3) to adopt regulations concerning the work experience and education required by an applicant for a certificate of certified public accountant. Most of the regulation changes result from Assembly Bill 510 ("AB 510") adopted in the 83rd (2025) Legislative Session effective May 26, 2025, which provided the Board is to adopt regulations concerning the work experience and education required for an applicant for issuance of certificate of certified public accountant.

The proposed regulation amends and updates the work experience and education requirements for obtaining a certificate of certified public accountant as required by AB 510 and to correspond to the Uniform Accountancy Act adopted by most other states.

The Board is required by NRS 628.120 to adopt regulations reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of Nevada Revised Statutes ("NRS") Chapter 628. The purpose of the proposed amendments to the regulations is to reflect statutory amendments made to NRS Chapter 628 in 2025 and other administrative changes the Board deems reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of NRS Chapter 628.

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.

Copies of the proposed regulation, notice of intent to act upon the proposed regulation and notice of workshop and notice of hearing were sent by email to all licensees under NRS Chapters 628 of the Nevada State Board of Accountancy, and known contacts for these entities, including owners and/or officers of registered firms; and by email to chambers of commerce and trade associations likely to be affected by the proposed regulations and to the Nevada Society of Certified Public Accountants. In addition, copies of the proposed regulations, notice of intent to act upon the proposed regulation and notice of workshop and notice of hearing were sent by U.S. mail and email to persons who were known to have an interest in the Nevada State Board of Accountancy regulations 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 Accountancy, www.nvaccountancy.com, and posted at the following locations: Clark County Court House, Las Vegas City Hall, Washoe County Court House, and Washoe County Library.

A copy of the notice of intent to act upon the proposed regulation and the regulations to be adopted, amended, and repealed was on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice of intent to act upon proposed regulation and the regulation to be adopted, amended, and repealed were available at the Board office for inspection and copying by members of the public during business hours, posted at the Board's principal office/in-person physical location-1325 Automotive Way, Suite 220, Reno, Nevada 89502; and posted online to the State of Nevada Public Notice website: https://notice.nv.gov. The notice of intent to act upon the proposed regulation and the text of the proposed regulations were also available 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 http://www.leg.state.nv.us.

(a) A workshop was held on November 5, 2025 in Reno in conjunction with the regular Nevada State Board of Accountancy ("Board") meeting to obtain comments on the proposed regulation changes. A hearing was held on January 21, 2026 in conjunction with the regular Board meeting to solicit additional comments regarding the proposed regulation changes. The Board's meeting in January was a virtual meeting. The Board received prior written and public comments at the workshop regarding the proposed regulation. The Board answered questions at the workshop regarding how provisions of the proposed regulation would be implemented. All comments at the workshop were in support of the proposed regulation. There were no written comments provided to the Board prior to or at the hearing. The Board answered questions at the hearing regarding how certain provisions of the proposed regulation relating to peer review would be implemented. All comments at the hearing were in support of the proposed regulation.

(b) All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Accountancy, 1325 Airmotive Way, Suite 220, Reno, Nevada 89502 or cpa@nvaccountancy.com.

3. The number of persons who: (a) Attended each hearing; (b) Testified at each hearing; and (c) Submitted to the agency written statements.

(a) The number of persons who attended:
   1. the workshop was 13
   2. the hearing was 13
   3. the Board meeting adopting and amending the regulation was 13

(b) The number of persons who testified at:
   1. the workshop was 2
   2. the hearing was 4
   3. the Board meeting adopting and amending the regulation was 0

(c) The number of submitted written statements or comments to the agency were 1.

4. For each person identified in subsection 3 (b) and (c) above, the following information if provided to the agency conducting the hearing (a) Name; (b) Telephone number; (c) Business address; (d) Business telephone number; (e) Electronic mail address; and (f) Name of entity or organization represented.

Provided written comment – 11/05/2025 workshop
Jeffrey Wong, Ph.D., CPA
Professor and Department Chair
Department of Accounting
College of Business, Mail Stop 0026
University of Nevada
Reno, NV 89557
jawong@unr.edu

Attended in Person – 11/05/2025 workshop
Niki Neilon, CPA
Casey Neilon
503 N. Division Street
Carson City, NV 89703

Anna Durst, CPA
Nevada Society of CPAs
17660 Cee Jay Court
Reno, NV 89508

Attended by Zoom link – 11/05/2025 workshop
Lisa Bagley, CPA
1135 Terminal Way #100
Reno, NV 89502

Brian Siler, CPA
8985 S. Durango Dr. #2035
Las Vegas, NV 89113

Jocelyn Mendez, CPA
3958 Blue Opal Way
Las Vegas, NV 89130

Julia Bush, CPA
8985 S. Durango Dr. #2111
Las Vegas, NV 89113

Maya Gocheva, CPA
BDO
352 Rushing Creek Ct.
Henderson, NV 89014

Yousif Muradian
2251 Wigwam Pkwy. #322
Henderson, NV 89074

Dillon Kay
City of Henderson
240 S. Water St.
Henderson, NV 89015

Jay Chang
Christine Thomas
Mary
Zhi, BDO

Attended by Zoom link – 1/21/2026 hearing
Dezaree Sieben (provided comment)
Rebecca Gillis
Jinnefer Razo
Joe Garrett (provided comment/asked question)
Asta Dominguez
Angela Darragh
Felix Luna
Terrie (no last name provided)
Michelle Moore
Scott Taylor
Timothy Altman
Tim Beeler (provided comment)
Anna Durst

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.

Comments were solicited from affected businesses by emailing a copy of the proposed regulation to each licensee of the Board, including registered firms, and in the same manner as they were solicited from the public described above and by email to chambers of commerce and trade associations likely to be affected by the proposed regulations and to the Nevada Society of Certified Public Accountants. The summary of public response is set forth in response to question 2 above and may be obtained as instructed in the response to question 2.

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 proposed regulation was adopted by the Board on January 21, 2026 without change to LCB File No. R054-25. All comments received by the Board were in support of the regulation, so the Board adopted the regulation without change.

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) Estimated economic effect on the businesses which they are to regulate

This regulation should not have an economic impact on businesses that provide public accounting services.

1. Both adverse and beneficial effects:

There are no known adverse economic effects of the proposed regulations on the accounting profession and the public. The beneficial effects of the proposed regulations are to allow several different pathways to obtain the work experience and education required for issuance of a certificate of certified public accountant which correspond to the work experience and educational requirements described in the Uniform Accountancy Act adopted by numerous other states thereby facilitating reciprocity and the purposes of AB 510. In addition, the proposed changes delete certain administrative fines for late completion of continuing professional education, clarify the continuing education requirements for an applicant for reciprocity, adopt the definition of financial statement and Appendix B of the AICPA Code of Conduct and clean up and modify other provisions of the Board's administrative regulations in connection with practice monitoring administration and reporting. These modifications are proposed to the Board's regulations to reflect various administrative changes the Board deems reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of NRS Chapter 628.

2. Both direct and indirect effects:

This regulation should not have a direct or indirect effect or significant economic impact on businesses that provide public accounting services. As set forth above, there are no known adverse economic effects of the proposed regulation on the accounting profession and the public. The direct beneficial effects are to allow several different pathways to obtain the work experience and education required for issuance of a certificate of certified public accountant which correspond to the work experience and educational requirements described in the Uniform Accountancy Act adopted by numerous other states thereby facilitating reciprocity and the purposes of AB 510. In addition, the direct beneficial effects of the proposed regulation are to delete certain administrative fines for late completion of continuing professional education, clarify the continuing education requirements for an applicant for reciprocity, adopt the definition of financial statement and Appendix B of the AICPA Code of Conduct and clean up and modify other provisions of the Board's administrative regulations in connection with practice monitoring administration and reporting. These modifications are proposed to the Board's regulations to reflect various administrative changes the Board deems reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of NRS Chapter 628.

(b) Estimated economic effect on the public which they are to regulate

This regulation will not have an economic impact on the public. See responses to subsection a above.

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

Enforcement of the regulation will be performed by the Board and there should not be any additional costs associated with enforcement of the adopted regulation.

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 overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any federal, state or local regulations.

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

The Nevada State Board of Accountancy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

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.

There will be no new or increased fees by the adoption of the regulation.

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Executive Director considered the proposed regulation changes. The Executive Director determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation of expansion of a small business. In making this determination, the Executive Director considered the facts that there are additional alternate pathways for new licensure under the proposed regulation but no new additional requirements for current licensees or firms or to maintain licensure or registration impacting any private or small business as a result of the proposed regulation. There are no additional requirements or fees on any small business as a result of this proposed regulation.

Comments were specifically solicited from affected businesses and licensees by providing a copy of the proposed regulation and notice of workshop and notice of hearing to each licensee of the Board and known contacts for these entities, including owners and/or officers of registered firms, from chambers of commerce and trade associations likely to be affected by the proposed regulations and from the Nevada Society of Certified Public Accountants. The proposed regulations were also made available on numerous websites, and posted at various locations in Clark County and Washoe County as set forth above.

Based upon all these considerations, the Executive Director determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

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

The Small Business Impact Statement required by NRS 233B.0608 is submitted as of December 16, 2025 for the regulations proposed by the Nevada State Board of Accountancy as LCB File No. R054-25:

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

(a) Copies of the proposed regulation and notice of workshop to solicit comments on the proposed regulation have been sent to all licensees, including firms and individuals, of the Nevada State Board of Accountancy. In addition, copies of the proposed regulation and notice of workshop and public hearing have been sent by email to persons known to have an interest in the Nevada State Board of Accountancy regulations as well as any persons who specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Accountancy, www.nvaccountancy.com, and posted at the following location: www.notice.nv.gov. Copies of the proposed regulation and notice of workshop were sent to chambers of commerce and trade associations likely to be affected by the proposed regulations.

A copy of the regulations to be adopted, amended, and repealed has been and will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted, amended, and repealed have been and will be available at the Board office for inspection and copying by members of the public during business hours. The text of the proposed regulations are also available 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 http://www.leg.state.nv.us.

(b) A workshop was held on November 5, 2025 in Reno in conjunction with the regular Nevada State Board of Accountancy ("Board") meeting to obtain comments in connection with the proposed regulation changes. A public hearing will be held on January 21, 2026 to solicit additional comments regarding the proposed regulation after receipt of the approved or revised regulation by the Legislative Counsel Bureau. A separate notice of hearing will be sent to all licensees, persons known to have an interest in the regulations of the Board, and others as set forth above prior to the public meeting.

(c) All interested parties may obtain a summary of public response after the workshop or hearing by written or verbal request to: Nevada State Board of Accountancy, 1325 Airmotive Way, Suite 220, Reno, Nevada 89502 or cpa@nvaccountancy.com.

2. The manner in which the analysis was conducted.

The Executive Director considered the proposed regulation changes to adopt amendments. The regulation being considered is to adopt amendments that modify the requirements for experience and education required by an applicant for a certificate of certified public accountant, to remove certain late completion of continuing education administrative fines, to modify the requirements an applicant for reciprocity must submit for proof of continuing education, to adopt the definition of financial statement and Appendix B of the American Institute of Certified Public Accountants ("AICPA") Code of Conduct and to clean up and modify other provisions of the Board's administrative regulations in connection with practice monitoring administration and reporting. Some of these regulation changes result from Assembly Bill 510 ("AB 510") adopted by the Nevada Legislature effective May 26, 2025.

At this time, comments are specifically solicited from affected businesses and licensees by providing a copy of the proposed regulation and notice of workshop and public hearing to each licensee and registered firm of the Board. The proposed regulations were also made available on the Board's website, posted at the state notice website, and sent to chambers of commerce and trade associations likely to be affected by the proposed regulations and all persons or entities requesting notice of the Board's administrative regulations.

Based upon all these considerations, the Executive Director determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

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:

There are no known adverse economic effects of the proposed regulations on the accounting profession and the public. The beneficial effects of the proposed regulations are to allow several different pathways to obtain the work experience and education required for issuance of a certificate of certified public accountant which correspond to the work experience and educational requirements described in the Uniform Accountancy Act adopted by numerous other states thereby facilitating reciprocity and the purposes of AB 510. In addition, the proposed changes delete certain administrative fines for late completion of continuing professional education, clarify the continuing education requirements for an applicant for reciprocity, adopt the definition of financial statement and Appendix B of the AICPA Code of Conduct and clean up and modify other provisions of the Board's administrative regulations in connection with practice monitoring administration and reporting. These modifications are proposed to the Board's regulations to reflect various administrative changes the Board deems reasonably

necessary and expedient for the orderly conduct of its affairs and for the administration of NRS Chapter 628.

There are no known immediate or long-terms economic or adverse effects of the proposed regulations on the accounting profession and the public.

(b) Both direct and indirect effects:

This regulation should not have a direct or indirect effect or significant economic impact on small businesses that provide public accounting services. As set forth above, there are no known adverse direct or indirect effects of the proposed regulation on the accounting profession and the public. The proposed changes are deemed reasonably necessary and expedient by the Board for the orderly conduct of its affairs and for the administration of NRS Chapter 628.

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.

Enforcement of the regulation will be performed by the Board in the normal conduct of its affairs. There should not be any 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.

The 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.

The regulation does not include provisions which duplicate or are more stringent than any federal, state or local regulations or standards.

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

The Executive Director has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. As set forth above, in making this determination, the Executive Director considered the fact there are no additional requirements for licensure or registration or to maintain licensure or registration impacting any private or small business as a result of this

proposed regulation. There are no additional requirements or fees on any small business as a result of this proposed regulation.

I certify that, to the best of my knowledge or belief that a concerted effort was made to determine the impact on small business and, the information contained in the Small Business Impact Statement for the Board's proposed regulations as of December 16, 2025 was prepared properly and is accurate.



Viki A. Windfeldt,
Executive Director
Nevada State Board of Accountancy

4920-9621-4401, v. 1

ADOPTED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R055-25

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

AUTHORITY: §§ 1, 16-19, 22-25 and 27-31, NRS 630.130 and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; §§ 2, 6 and 8, NRS 630.130 and sections 6-8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100; § 3, NRS 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and sections 6-8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100; § 4, NRS 622.530, 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; §§ 5 and 11-13, NRS 630.130 and sections 6 and 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1100, respectively; § 7, NRS 630.130 and sections 6-8 and 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099-1100 and 1102, respectively; § 9, NRS 630.130 and sections 6 and 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101, respectively; § 10, NRS 630.130 and 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, and sections 6 and 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101, respectively; §§ 14 and 15, NRS 630.130 and sections 6 and 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1101, respectively; § 20, NRS 630.130 and 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; § 21, NRS 630.130 and sections 5.9 and 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; § 26, NRS 630.130 and 630.336, as amended by section 32 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1112, and section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099.

A REGULATION relating to health care; prescribing requirements governing the issuance, renewal or change of status of a license as a genetic counselor; prescribing requirements governing the supervision and practice of temporarily licensed genetic counselors; prescribing requirements governing the practice of genetic counselors; setting forth grounds for disciplinary action against a genetic counselor; establishing certain procedures relating to the imposition of such disciplinary action; prescribing requirements governing the Genetic Counseling Advisory Council; revising provisions

governing the discipline of certain persons who are no longer actively licensed; providing for the confidentiality of certain information relating to a genetic counselor; prohibiting the reinstatement of certain retired licenses; providing for the continued existence of the Advisory Council after a certain date; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) Senate Bill No. 189 (S.B. 189) of the 2025 Legislative Session similarly provides for the licensure of genetic counselors and requires the Board to adopt regulations establishing the requirements for such licensure. (Sections 4-40 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1098-1115)

S.B. 189 prescribes certain qualifications for licensure as a genetic counselor. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Section 2** of this regulation prescribes the qualifications for licensure as a genetic counselor, in addition to the qualifications required by S.B. 189. **Section 3** of this regulation establishes the required contents of an application for such licensure. **Sections 4 and 5** of this regulation establish the requirements and procedure for licensure by endorsement and temporary licensure, respectively, as a genetic counselor. **Section 6** of this regulation establishes grounds for the rejection of an application for the issuance or renewal of a license as a genetic counselor. **Section 7** of this regulation authorizes the Board to deny an application for the issuance or renewal of a license to practice as a genetic counselor if the applicant has committed any act that would constitute grounds for disciplinary action against a person who is already licensed as a genetic counselor. **Section 8** of this regulation sets forth the required contents of a license as a genetic counselor.

If an applicant for licensure as a genetic counselor has received a master's degree or higher in genetic counseling from a program in a foreign country, S.B. 189 requires that program to have standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, as determined by the Board. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Section 2** prescribes certain circumstances under which the Board will deem a foreign program in genetic counseling to have such standards.

S.B. 189 requires a genetic counselor to successfully complete at least 20 hours of continuing education each biennium in order to renew his or her license. (Section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 9** of this regulation requires at least 2 of those hours of continuing education to pertain to ethics in genetic counseling. **Section 9** also authorizes the Board to issue credit toward the required continuing education to a genetic counselor who reviews a complaint for the Board.

Existing law and regulations provide that: (1) the failure to submit evidence of completion of required continuing education or pay the required renewal fee results in the expiration of certain licenses issued by the Board; and (2) the fee to reinstate such licenses is twice the standard renewal fee. (NRS 630.267; NAC 630.153, 630.178, 630.350, 630.530, 630.750, section 11 of LCB File No. R069-23) **Section 10** of this regulation enacts similar provisions applicable to genetic counselors.

S.B. 189: (1) requires a temporarily licensed genetic counselor to be supervised by a genetic counselor or a physician while the temporarily licensed genetic counselor is practicing

genetic counseling; and (2) requires the temporarily licensed genetic counselor and his or her supervisor to enter into a contract that prescribes the responsibilities of both parties. (Section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100) **Section 11** of this regulation requires that such a contract include a reasonable amount of compensation for the temporarily licensed genetic counselor. **Section 11** also: (1) authorizes the contract to designate a substitute supervisor to serve if the primary supervisor is unavailable; and (2) requires a supervisor to notify the Board upon the termination of such a contract. **Sections 12 and 13** of this regulation prescribe certain limitations and requirements governing the supervision and practice of temporarily licensed genetic counselors.

S.B. 189 authorizes a student who is enrolled in certain programs in genetic counseling and who does not hold a license to practice genetic counseling to assist a genetic counselor in the practice of genetic counseling if such assistance is within the scope of the education and training of the student. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 14** of this regulation prescribes: (1) the authorized activities of such a student; and (2) the requirements governing the supervision and identification of such a student.

S.B. 189 authorizes a person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization, to provide consulting services related to genetic counseling in this State on a temporary basis if he or she receives authorization from the Board. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101) **Section 15** of this regulation: (1) prescribes the manner in which a person must obtain such authorization; (2) requires a physician or genetic counselor to whom such a person provides consulting services to adhere to certain provisions of state law regarding the preparation, retention and dissemination of health care records; and (3) defines the term "temporary basis" for the purpose of establishing the maximum length of time that such a person may provide consulting services.

Section 16 of this regulation adopts the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics governing the professional conduct of genetic counselors in this State, as required by S.B. 189. (Section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099) **Sections 17 and 18** of this regulation prescribe certain requirements and prohibitions governing the practice of a genetic counselor. **Section 19** of this regulation sets forth certain grounds for disciplinary action by the Board against a genetic counselor, which include malpractice. **Section 22** of this regulation includes within the definition of "malpractice" the failure of a genetic counselor, in treating a patient, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances. **Section 20** of this regulation provides that the Board will serve written notice on a genetic counselor at least 21 business days before a hearing relating to any disciplinary action. **Section 20** also provides that any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by existing law for disciplinary actions against other licensees.

S.B. 189 authorizes the Board to require a genetic counselor to undergo an examination to determine his or her fitness to practice under certain circumstances. (NRS 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110) **Section 20** requires a genetic counselor whom the Board requires to undergo such an examination to pay the cost of that examination.

S.B. 189: (1) creates the Genetic Counseling Advisory Council; (2) requires the Advisory Council to advise the Board on regulations and other matters relating to the practice of genetic

counseling; and (3) provides that the Advisory Council expires by limitation on January 1, 2031. (Sections 5.9 and 62 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1132, respectively) **Section 21** of this regulation: (1) requires any genetic counselor appointed to the Advisory Council on or after January 1, 2029, to have lived and continuously practiced in this State for at least 3 years immediately preceding the appointment; (2) provides that the Board will notify appointees to the Advisory Council of their appointment and terms of office; (3) provides that members of the Advisory Council serve until a successor is appointed; and (4) requires the Advisory Council to review and make recommendations concerning matters relating to licensed genetic counselors upon the request of the Board. **Sections 29-31** of this regulation provide for the continuation of the Advisory Council after January 1, 2031.

Existing regulations require an original signature or authenticated electronic signature on certain documents submitted to the Board by licensees or applicants for any license to practice medicine or to practice as a physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist. (NAC 630.045) Existing regulations prescribe procedures for the voluntary surrender of a license to practice medicine, perfusion or respiratory care, or a license to practice as an anesthesiologist assistant, while an investigation concerning the license or disciplinary proceeding concerning the licensee is pending. (NAC 630.240) Existing regulations require a committee conducting an investigation of a complaint against a physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to appoint a group of specialists to review the practice of the licensee and make certain recommendations if the committee finds that the licensee tests positive for exposure to the human immunodeficiency virus. (NAC 630.243) Existing regulations require the Board to keep confidential certain records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to correct a dependence on alcohol or a controlled substance or certain other impairments. (NAC 630.275) 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) Existing regulations prescribe the criteria and procedure for placing a license to practice medicine, perfusion or respiratory care or a license as an anesthesiologist assistant on retired status. (Section 1 of LCB File No. R118-21) **Sections 23-28** of this regulation make these provisions additionally applicable to genetic counselors. **Section 28** additionally prohibits the holder of a retired license to practice medicine, perfusion or respiratory care or a retired license as an anesthesiologist assistant or genetic counselor from reinstating the license.

Existing regulations provide that the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status does not preclude the Board from hearing a complaint for disciplinary action made against the licensee. (NAC 630.240) **Section 24** limits the applicability of this provision to circumstances where the license was active at the time of the relevant conduct. However, **section 24** also clarifies that, if the license was not active at that time but existing law requires a license in order to engage in the relevant conduct, the Board may take action in response to such unlicensed activity. (NRS 630.400)

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *1. In addition to the qualifications required by section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, an applicant for licensure as a genetic counselor must:*

(a) Be able to communicate adequately orally and in writing in the English language.

(b) At the order of the Board, take and pass a competency examination or other assessment of competency designated by the Board if the applicant has not:

(1) Engaged in the practice of genetic counseling for more than 24 consecutive months immediately preceding the date of the application; or

(2) Passed an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, within the 24 months immediately preceding the date of the application.

2. For the purpose of paragraph (b) of subsection 4 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, the Board will deem a program in genetic counseling located in a foreign country to have educational standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, if that organization determines based on the education of the applicant that the applicant is eligible to:

(a) Take an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099; and

(b) Receive the certification described in subsection 6 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099.

Sec. 3. *1. An application for licensure as a genetic counselor 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 a genetic counselor, 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 license or certificate as a genetic counselor in another state and, if so, when and where and the results of his or her application;

(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 genetic counselor or had a license or certificate as a genetic counselor 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;

(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 a genetic counselor;

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

(j) A telephone number and electronic mail address at which the applicant may be contacted.

2. An applicant must submit to the Board:

(a) Proof of graduation from a program in genetic counseling described in subsection 4 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099;

(b) Proof of passage of an examination described in subsection 5 of section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099;

(c) Proof of certification issued by the Accreditation Council for Genetic Counseling, 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 a program in genetic counseling required by subsection 2;

(b) The proof of graduation from a program in genetic counseling 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. If an applicant seeking licensure as a genetic counselor pursuant to this section is an active member of or the surviving 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 one-half of the fee established pursuant to NRS 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106, for the initial issuance of the license.

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

6. Within 30 days after any change to the information provided to the Board pursuant to paragraph (i) or (j) of subsection 1, an applicant or genetic counselor shall provide updated information to the Board.

Sec. 4. *1. An application for licensure by endorsement as a genetic counselor must be made on a form supplied by the Board. An application must include:*

(a) All information required by section 3 of this regulation;

(b) Proof that the applicant:

(1) Holds a corresponding valid and unrestricted license as a genetic counselor in the District of Columbia or any state or territory of the United States; and

(2) Meets the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530; and

(c) The documents described in paragraphs (g) and (h) of subsection 2 of NRS 622.530.

2. Unless the Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to practice as a genetic counselor to the applicant within the time required by subsection 4 of NRS 622.530.

3. A license by endorsement as a genetic counselor issued pursuant to this section may be issued at a meeting of the Board or outside a meeting of the Board by the President of the Board and the Executive Director of the Board. If the license is issued outside a meeting of the Board pursuant to this subsection, such an action shall be deemed to be an action of the Board.

4. In addition to the grounds set forth in this chapter and chapter 630 of NRS, the Board may deny an application for licensure by endorsement pursuant to this section:

(a) If the applicant does not meet the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530; or

(b) For the reasons set forth in subsection 6 of NRS 622.530.

5. If an applicant seeking licensure by endorsement as a genetic counselor pursuant to this section is an active member of or the surviving 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 one-half of the application fee established pursuant to NRS 630.268, as amended by section 23 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1106.

Sec. 5. *1. The Board will issue a temporary license to practice as a genetic counselor to any qualified applicant who meets the requirements of subsection 1 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100.*

2. The holder of a temporary license to practice as a genetic counselor may apply to the Board to renew the temporary license in the same manner as the original application. The Board may, upon the applicant's compliance with the provisions of this section and subsection 3 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100,

renew the temporary license once for a period of 1 additional year. A temporary license may not be renewed more than once.

Sec. 6. *In addition to any other grounds specified in this chapter or chapter 630 of NRS, the Board may reject an application for the issuance or renewal of a license to practice as a genetic counselor if the Board determines that:*

1. The applicant is not qualified or is not of good moral character or reputation;

2. The applicant has submitted a false credential; or

3. The application is not made in proper form or is otherwise deficient.

Sec. 7. *The Board may deny an application for the issuance or renewal of a license to practice as a genetic counselor for:*

1. Failure to comply with any provision of section 17 or 18 of this regulation; or

2. Any act or omission that constitutes grounds for disciplinary action under section 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1102, or section 19 of this regulation.

Sec. 8. *The license issued by the Board to a genetic counselor must contain:*

1. The name of the genetic counselor;

2. The duration of the license; and

3. Any other limitations or requirements which the Board prescribes.

Sec. 9. *1. At least 2 hours of the continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, during each biennial licensing period must pertain to ethics in genetic counseling.*

2. The Board may issue not more than 5 hours of continuing education during a biennial licensing period to a genetic counselor who reviews a complaint for the Board. The hours issued by the Board:

(a) May be credited against the hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101;

(b) Except as otherwise provided in paragraph (c), must be equal to the actual time involved in performing the review; and

(c) May not exceed 5 hours per review.

Sec. 10. *If a genetic counselor fails to pay the fee for renewal after the fee becomes due or fails to submit proof that the licensee completed the number of hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, his or her license expires. Within 2 years after the date on which the license expires, the license may be reinstated if the holder:*

1. Pays twice the amount of the current fee for renewal to the Secretary-Treasurer of the Board;

2. Submits proof that he or she:

(a) Has completed the number of hours of continuing education required by section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101; and

(b) Holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization; and

3. Is found to be in good standing and qualified pursuant to this chapter.

Sec. 11. *1. A contract entered into pursuant to subsection 6 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100, between a temporarily licensed*

genetic counselor and his or her supervising genetic counselor or supervising physician must be submitted to and approved by the Executive Director or his or her designee before the temporarily licensed genetic counselor practices under the supervision of the supervisor. The contract:

(a) Must include, without limitation, an amount of compensation for the temporarily licensed genetic counselor that is reasonable.

(b) May designate another physician or genetic counselor to serve as the substitute supervisor of the temporarily licensed genetic counselor if the primary supervisor of the temporarily licensed genetic counselor is unavailable.

2. A temporarily licensed genetic counselor must enter into a separate contract pursuant to subsection 6 of section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100, for each employer of the temporarily licensed genetic counselor.

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall, within 72 hours after the termination of the contract between the supervisor and the temporarily licensed genetic counselor, notify the Board of the termination. The temporarily licensed genetic counselor shall immediately cease practicing under the supervision of the supervisor until the Executive Director or his or her designee approves a new contract between the temporarily licensed genetic counselor and the supervisor pursuant to subsection 1.

Sec. 12. *1. A genetic counselor or physician shall not supervise more than three temporarily licensed genetic counselors at one time.*

2. A temporarily licensed genetic counselor shall:

(a) Ensure that each patient is informed that the temporarily licensed genetic counselor holds a temporary license and provided with the name of his or her supervisor; and

(b) Wear at all times while on duty a name badge that identifies the holder as a "Graduate Genetic Counselor."

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must be available in person or by telephone or other electronic means to consult with the temporarily licensed genetic counselor at all times while the temporarily licensed genetic counselor is providing genetic counseling. The supervisor shall:

(a) Ensure that all work completed by the temporarily licensed genetic counselor is performed in a competent and ethical manner that complies with all applicable state and federal laws and regulations.

(b) Ensure that the temporarily licensed genetic counselor possesses the knowledge, skill and training required to competently provide genetic counseling to a particular patient before allowing the temporarily licensed genetic counselor to provide genetic counseling to the patient outside of the direct supervision of the supervisor.

(c) Hold at least one meeting with the temporarily licensed genetic counselor each week to review the work of the temporarily licensed genetic counselor. Such a meeting may occur in person or by electronic means.

Sec. 13. *1. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor and the temporarily licensed genetic counselor shall develop a method by which the temporarily licensed genetic counselor may designate specific records of patients for the review of the supervisor.*

2. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall review the records of at least 10 percent of the patients to whom the temporarily licensed genetic counselor provides genetic counseling.

3. All records reviewed by the supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must include the name and signature of both the supervisor and the temporarily licensed genetic counselor.

4. A temporarily licensed genetic counselor and his or her supervising genetic counselor or supervising physician shall ensure that the records of each patient to whom the temporarily licensed genetic counselor provides genetic counseling are:

(a) Clear, legible, accurate and complete; and

(b) Maintained in accordance with chapter 629 of NRS.

Sec. 14. *1. A student who is assisting a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101:*

(a) May review patient records and talk with a patient about the results of a genetic test;

(b) Shall abide by all state and federal laws and regulations concerning the confidentiality of health care records and information relating to patients;

(c) In any interaction with a patient or another provider of health care, shall:

(1) Identify himself or herself as a student; and

(2) Provide the name of the genetic counselor whom the student is assisting; and

(d) Shall not assist any person other than a genetic counselor in the practice of genetic counseling or perform tasks delegated by a person who is not a genetic counselor.

2. Before a student assists a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, the genetic counselor must:

(a) Notify the patient that the student will be participating in the care of the patient; and

(b) Obtain the informed consent of the patient to the participation of the student and document such consent in the medical record of the patient.

3. A genetic counselor who receives assistance from a student shall:

(a) Provide appropriate supervision of all tasks performed by the student in accordance with subsection 5;

(b) Ensure that the records of each patient in whose care the student assists:

(1) Are clear, legible, accurate and complete;

(2) Are maintained in accordance with chapter 629 of NRS; and

(3) Include the name of the student for each task in which the student has provided assistance; and

(c) Sign the records of each patient in whose care the student assists.

4. A genetic counselor shall not receive assistance from more than three students at one time.

5. A genetic counselor shall supervise a student in accordance with the standards set forth by the Accreditation Council for Genetic Counseling, or its successor organization, for graduate level training programs for genetic counseling. Such supervision:

(a) Must include, without limitation, monitoring the knowledge, skill and ability of the student;

(b) May include, without limitation, the use of a progressive model of supervision that provides less direct supervision as the student gains more knowledge, skill and ability;

(c) Must meet the needs of the student; and

(d) Must ensure the protection of the patient.

Sec. 15. *1. A person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization, who wishes to receive the approval of the Board to provide counseling services related to genetic counseling in this State pursuant to subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, must notify the Board in writing of:*

(a) His or her name and contact information;

(b) The name and contact information of each physician, physician assistant, advanced practice registered nurse or genetic counselor licensed in this State with whom he or she will be consulting;

(c) The dates on which the person wishes to provide consulting services relating to genetic counseling in this State; and

(d) The nature of the consulting services that the person wishes to provide.

2. A physician, physician assistant or genetic counselor to whom a person provides consulting services related to genetic counseling in this State pursuant to subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, shall comply with the provisions of chapter 629 of NRS regarding the preparation, retention and dissemination of any records of the consulting services.

3. As used in subsection 3 of section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101, "temporary basis" means a period of not more than 30 days.

Sec. 16. *1. Pursuant to subsection 1 of section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, the Board hereby adopts by reference the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics governing the professional conduct of genetic counselors in this State. The Code is available from the National Society of Genetic Counselors free of charge at https://www.nsgc.org/POLICY/Code-of-Ethics-Conflict-of-Interest/Code-of-Ethics or, if that Internet website ceases to exist, from the Board.*

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 17. *1. A genetic counselor shall:*

(a) Provide competent genetic counseling and assume as his or her primary responsibility the health, safety, welfare and dignity of all patients with regard to genetic counseling;

(b) Deliver genetic counseling to patients without regard to race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry;

(c) Adhere to all state and federal laws and regulations governing informed consent concerning the genetic counseling of a patient;

(d) Seek consultation with other providers of health care as necessary and authorized by the patient whenever the welfare of a patient will be safeguarded or advanced by such consultation;

(e) Become familiar with and adhere to all state and federal laws and regulations applicable to his or her practice as a genetic counselor, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and other state and federal laws and regulations governing the confidentiality of health information;

(f) Provide only those services for which the genetic counselor is licensed and qualified by education, training and experience;

(g) Avoid conflicts of professional interest, including, without limitation, by refraining from providing genetic counseling to family members or romantic partners;

(h) Comply with all applicable provisions of chapter 629 of NRS and the regulations adopted pursuant thereto;

(i) Comply with the NSGC Code of Ethics adopted by reference in section 16 of this regulation, except to the extent that the provisions of the Code conflict with any provision of this chapter or state or federal law; and

(j) Ensure that the records of all patients are clear, legible, accurate and complete.

2. A genetic counselor may provide general information concerning genetics, including, without limitation, general information concerning the mechanics of inheritance of certain genes, to a family member or romantic partner. If the family member or romantic partner

desires genetic counseling, the genetic counselor shall refer the family member or romantic partner, as applicable, to a physician or genetic counselor who can provide genetic counseling without a conflict of interest.

Sec. 18. *A genetic counselor shall not:*

1. Falsify or alter records of health care;

2. Falsify or alter the records of a patient so as to indicate that testing or genetic counseling was performed by him or her which was in fact not performed by him or her;

3. Render professional services to a patient while the genetic counselor is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Engage in sexual activity with a patient who is currently receiving genetic counseling from the genetic counselor or who has received genetic counseling from the genetic counselor within the immediately preceding 2 years;

5. Engage in disruptive behavior with any genetic counselor, physician, hospital personnel, patient, member of the family of a patient or other person if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient;

6. Engage in conduct that violates the trust of a patient and exploits the relationship between the genetic counselor and the patient for financial or other personal gain;

7. Engage in or conceal conduct which brings the profession of genetic counseling into disrepute;

8. Engage in sexual contact with a surrogate of a patient or other key person related to a patient, including, without limitation, a spouse, parent or legal guardian, that exploits the relationship between the genetic counselor and the patient in a sexual manner;

9. Make or file a report that the genetic counselor knows to be false, fail to file a record or report as required by law or willfully obstruct or induce another person to obstruct such a filing;

10. Fail to report any person that the genetic counselor knows, or has reason to know, is in violation of the provisions of this chapter or chapter 630 of NRS relating to the practice of genetic counseling; or

11. Misrepresent in any manner, either directly or indirectly, his or her skills, training, professional credentials, identity or services.

Sec. 19. *In addition to the grounds specified in section 12 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1102, a genetic counselor is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the genetic counselor:*

1. Has held himself or herself out as or authorized another person to represent the genetic counselor to be a licensed physician or physician assistant or licensed to practice another profession for which the genetic counselor does not hold a license;

2. Has performed genetic counseling other than as authorized in this chapter and chapter 630 of NRS;

3. Is guilty of malpractice in genetic counseling;

4. Is guilty of disobedience of any order of the Board or an investigative committee of the Board or any provision in the regulations of the State Board of Health or the State Board of Pharmacy;

5. Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

6. Has assisted in the practice of genetic counseling after his or her license as a genetic counselor expired or was revoked or suspended;

7. Has been convicted of a felony; or

8. Has violated any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

Sec. 20. *1. Before the Board takes disciplinary action against a genetic counselor, the Board will provide to the genetic counselor a written notice pursuant to NRS 233B.121. The notice will be served on the genetic counselor 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 other licensees.*

2. If the Board orders a genetic counselor to undergo an examination pursuant to NRS 630.318, as amended by section 29 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1110, the genetic counselor shall pay the cost of the examination.

NEW FIRST PARALLEL SECTION

Sec. 21. *1. In addition to the qualifications required by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, any member appointed on or after January 1, 2029, to the Genetic Counseling Advisory Council pursuant to paragraph (b) of subsection 2 of that section must have resided in and continually practiced as a licensed genetic counselor in this State for at least 3 years immediately preceding the appointment.*

2. The Board will give appointees to the Genetic Counseling Advisory Council created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, written notice of their appointment and terms of office.

3. Each member of the Advisory Council serves until the Board appoints a successor.

4. At the request of the Board, the Advisory Council shall review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

Sec. 22. NAC 630.040 is hereby amended to read as follows:

630.040 For the purposes of this chapter and chapter 630 of NRS, "malpractice" means the failure of a physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist, in treating a patient, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

Sec. 23. NAC 630.045 is hereby amended to read as follows:

630.045 1. Any document submitted to the Board by a licensee or an applicant for a license to practice medicine, to practice as a physician assistant, to practice as an anesthesiologist assistant, ***to practice as a genetic counselor,*** to practice as a practitioner of respiratory care or to practice as a perfusionist must bear the original signature or an authenticated electronic signature of the licensee or applicant.

2. The Board may refuse to accept any document submitted by a licensee or an applicant for a license that does not comply with the requirements of subsection 1.

3. As used in this section, "document" means any written submission, notification or communication, including, without limitation:

(a) An application for a license;

(b) A request for renewal of a license;

(c) A request for a change of status; or

(d) A notification of a change of address.

Sec. 24. NAC 630.240 is hereby amended to read as follows:

630.240 1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, ***practice as a genetic counselor,*** practice perfusion or practice respiratory care while an investigation concerning the license or disciplinary proceedings concerning the licensee are pending, the licensee shall submit to the Board a sworn written statement of surrender of the license accompanied by delivery to the Board of the actual license issued to him or her.

2. The voluntary surrender of a license is not effective until it is accepted by the Board in a public meeting. An order accepting such a surrender must prescribe a period of at least 1 year but not more than 10 years during which the holder of the surrendered license is prohibited from applying for reinstatement of the license.

3. The Board will:

(a) Make the voluntary surrender of a license public; and

(b) Deem the voluntary surrender of a license to be disciplinary action and report the surrender to applicable national databases.

4. The voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to section 1 of LCB File No. R118-21 does not preclude the Board from hearing a complaint for disciplinary action made against the licensee ~~[.]~~ ***if the conduct included in the complaint occurred while the license was active.***

5. If a complaint for disciplinary action is made against a person for conduct that occurred after the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to section 1 of LCB File No. R118-21 and that conduct constitutes a violation of NRS 630.400, the Board may take any action authorized in response to such a violation.

Sec. 25. NAC 630.243 is hereby amended to read as follows:

630.243 If a committee conducting an investigation pursuant to NRS 630.311 becomes aware that the physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist who is subject to the investigation has tested positive for exposure to the human immunodeficiency virus, the committee shall appoint a group of specialists in the fields of public health and infectious diseases who shall:

1. Review all the circumstances of the practice of the physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist; and

2. Advise the committee, in accordance with the most recent guidelines on the exposure of health care workers to the human immunodeficiency virus established by the Centers for Disease Control and Prevention, on the action, if any, the committee should take concerning the physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist.

Sec. 26. NAC 630.275 is hereby amended to read as follows:

630.275 1. The Board will, pursuant to subsection 3 of NRS 630.336, ***as amended by section 6 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 94, and section 32 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1112,*** keep confidential all records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist to correct:

(a) A dependence upon alcohol or a controlled substance; or

(b) Any other impairment which could result in the revocation of his or her license.

2. The Board will, pursuant to subsection 4 of NRS 622.330, keep confidential a consent or settlement agreement between the Board and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

Sec. 27. 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, ***genetic counselor,*** 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 arguments at the hearing.

Sec. 28. Section 1 of LCB File No. R118-21 is hereby amended to read as follows:

Section 1. ***1.*** A licensee may apply to the Board to change the status of his or her license to practice medicine, practice as an anesthesiologist assistant, ***practice as a genetic counselor,*** practice perfusion or practice respiratory care to retired by filing with the Board a notice in writing that states the intention of the licensee to retire from active practice. Upon the provision of such notice, the Board will change the status of the license to retired if:

~~[1.]~~ ***(a)*** The licensee is otherwise in good standing;

~~[2.]~~ ***(b)*** There are no complaints or investigations pending against the licensee; and

~~[3.]~~ ***(c)*** No disciplinary action is pending against the licensee.

2. A holder of a retired license may not reinstate the license. If the holder of a retired license wishes to be licensed, he or she must apply for a new license and is subject to all requirements that apply to an applicant for a new license.

NEW SECOND PARALLEL SECTION

Sec. 29. Section 21 of this regulation is hereby amended to read as follows:

Sec. 21. 1. ~~[In addition to the qualifications required by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, any member appointed on or after January 1, 2029, to the Genetic Counseling Advisory Council pursuant to paragraph (b) of subsection 2 of that section must have resided in and continually practiced as a licensed genetic counselor in this State for at least 3 years immediately preceding the appointment.]~~ ***The Genetic Counseling Advisory Council is hereby created.***

2. ***The Board will appoint to the Advisory Council:***

(a) One physician licensed in this State who has experience in the field of genetics;

(b) Three members who are actively engaged in the practice of genetic counseling and have lived and continuously practiced in this State as a licensed genetic counselor for at least 3 years immediately preceding the appointment; and

(c) One member who is a representative of the public.

3. Each member of the Advisory Council must be a resident of this State.

4. Except as otherwise provided in this section, the members of the Advisory Council must be appointed to terms of 2 years. Members may be reappointed.

5. A vacancy on the Advisory Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

6. The Board will give appointees to the ~~[Genetic Counseling]~~ Advisory Council ~~[created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099,]~~ written notice of their appointment and terms of office.

~~[3.]~~ ***7.*** Each member of the Advisory Council serves until the Board appoints a successor.

~~[4.]~~ ***8. The Board may remove a member of the Advisory Council for incompetence, neglect of duty, moral turpitude or malfeasance in office.***

9. The members of the Advisory Council are not entitled to compensation.

10. The Advisory Council shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Council at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Council;

(c) Advise the Board on the adoption of regulations concerning the practice of genetic counseling and other matters related to the practice of genetic counseling; and

(d) At the request of the Board, ~~[the Advisory Council shall]~~ review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

11. A majority of the members of the Advisory Council constitutes a quorum for the transaction of the business of the Advisory Council.

Sec. 30. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

Any member who, on December 31, 2030, is serving on the Genetic Counseling Advisory Council created by section 5.9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099, shall, on January 1, 2031, be deemed to have been appointed to the Genetic Counseling Advisory Council created by section 21 of this regulation, as amended by section 29 of this regulation. Any such member whose term does not expire on January 1, 2031, serves the remainder of his or her unexpired term, so long as he or she continues to possess the qualifications required by section 21 of this regulation, as amended by section 29 of this regulation, for his or her position on the Advisory Council.

Sec. 31. 1. This section and sections 1 to 28, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 29 and 30 of this regulation become effective on January 1, 2031.

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. R055-25

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 regulations are necessary to implement SB189 from the 2025 Legislative Session regarding the licensing of genetic counselors in the State of Nevada. The proposed regulations add requirements for genetic counselors regarding licensure applications and disciplinary matters to NAC Chapter 630 and sets out documentation and other requirements that are necessary for public safety. The proposed regulations add genetic counselors to relevant existing NAC Chapter 630 provisions.

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 comments 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 September 26, 2025:

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

Copies of the Board's regulation draft, workshop notices, and a copy of 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/.

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:

State Library, Archives and Public Records - *Carson City, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/

No public comment was received at the regulation workshops, public hearing, or Board meeting on January 29, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations 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 workshops held on October 28, 2025, and November 17, 2025, and the public hearing held on January 16, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. All the questions asked by members of the public, stakeholders, and potential license applicants were later answered in the public meetings held on these regulations. No public comment was received at the January 29, 2026 Board meeting, wherein the Board adopted the regulations with three changes. However, the Board carefully considered the public comment received prior to voting to adopt the regulation with changes.

The Board received an email Weldon Havins, M.D., on October 15, 2025. The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. The Board received an email from Ashley Smith signed by Michael Stephen Skylor Smith, on January 13, 2026. The Board received an email from Julia Prinzi on January 7, 2026. None of these emails or letters indicated that the 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.

A summary of the public comment received regarding LCB File No. R055-25 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 of Persons Who:

(a) Attended Each Hearing:

October 28, 2025 (Regulation Workshop): 8;
November 17, 2025 (Regulation Workshop): 5;
January 16, 2026 (Public Hearing): 2.

(b) Testified at Each Hearing:

October 28, 2025 (Regulation Workshop): 6;
November 2, 2023 (Regulation Workshop): 4;
January 16, 2026 (Public Hearing): 1.

(c) Submitted to the Agency Written Comments:

The Board received an email Weldon Havins, M.D., on October 15, 2025. Dr. Havins asked how the Board will determine whether an applicant for licensure as a genetic counselor communicates adequately orally or in writing in the English language. Board staff responded indicating that this language in Section 2(1)(b) in the regulation draft is the same as that for physician assistants, elsewhere in NAC Chapter 630. With regard to physician assistants, there has not been an issue with the use of this language or determining an applicant's English language skill. In addition, at the public hearing held on January 16, 2026, this public comment was discussed and Dr. Nunes indicated that passing of the examinations, which are given in English and required to obtain certification as a genetic counselor should adequately ensure that applicants are able to communicate adequately in English.

The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. This letter was in support of the regulations and suggested several changes to the regulations. First, the Association suggested that the reinstatement fee contained in Section 10 of the regulations be reduced. The Association requested that competency assessment requirement after a genetic counselor has been out of practice for 24 months or more as contained in the original regulation draft be changed to allow other options than just an examination. This change was accepted and is reflected in Section 2 of the proposed regulation draft. The Association suggested a change to the original regulation draft regarding patient consent for students participating in their care. This change was accepted and is reflected in Section 14 of the proposed regulation draft. The Association also requested that the supervision requirements for students in the original regulation draft be updated to be more consistent with training models. This change was accepted and is reflected in Section 14 of the proposed regulation draft. The Association requested that temporary licensed genetic counselors be able to be supervised by qualified medical doctors. This change was accepted and is reflected in Section 11 of the proposed regulation draft. The Association requested revision to the language regarding compensation for temporary licensed genetic counselors to be reviewed and approved by the Board. This was discussed at the workshop and it was explained that this was meant to protect temporary

licensed individuals, and the Association representatives seemed to feel more comfortable about this provision. The Association asked about liability of supervisors for misconduct of temporary licensed genetic counselors. This was discussed at the workshop. These provisions are similar to what already exists for supervision by other licensees for other license categories regulated by the Board. After the discussion, the Association representatives seemed to be satisfied with the provision. The Association finally asked that the Board explore options for financial assistance or fee waivers for applicants for licensure with financial barriers in the application process. This was discussed and mentioned to the Board at the adoption hearing on January 29, 2026. At this time, the Board is not aware of options to implement this.

The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The comments in this letter are very similar to those received from the Association and previously addressed. This letter also mentioned several things that were not suggested changes to the regulation, but, instead, were policy discussions that the Board and/or the Genetic Counseling Advisory Council may want to address in the future.

The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. These comments were very similar to those received from the Association and Cure 4 The Kids Foundation and were previously addressed.

The Board received an email from Ashley Smith and signed by Michael Stephen Skylor Smith, on January 13, 2026. This email contained concerns with an event that would potentially happen January 11-16, 2026, and the writer was concerned that temporary licensed genetic counselors would be working at that time. Because the regulations were not yet effective during that timeframe and there are currently no temporary licensed genetic counselors in Nevada, this concern will not occur. Further, the regulations provide the requirements for the supervision of temporary licensed genetic counselors by a licensed genetic counselor or a physician. The regulations always require supervision for temporary licensed genetic counselors while they are practicing. The remainder of this email addressed concerns about testing for certain biomarkers and isotopes and assurance that the results of these tests will be used appropriately. Part of supervision of a temporary licensed genetic counselor is to oversee those issues and the Board believes that this proposed regulation adequately addresses this. This email was addressed in more detail by Dr. Nunes at the January 16, 2026, Public Hearing and it is contained in the record of that hearing.

The Board received an email from Julia Prinzi requesting that Section 5(1)(b) be removed from the regulation due to the timing that is available for applicants to take the required examination. This change will allow applicants to work after graduation from an approved program as a temporary licensed genetic counselor without a gap if they are unable to immediately register for the licensing examination after graduation. This is consistent with the requirements for other license types that the Board regulates and the Board removed this provision prior to adopting the regulation.

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 October 28, 2025 Public Workshop in Reno:

Kate Emery
Telephone: 708-250-7869
Address: Not Provided
Business Telephone: 708-250-7869
Email: katlyn.emery@providence.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Anette Logan-Parker
Telephone: 702-481-3179
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: alogan@cure4thekids.org
Representing: Cure 4 The Kids Foundation and Nevada Rare Disease Advisory Council

Provided comments regarding the regulations and asked questions.

Attendees at the October 28, 2025 Public Workshop in Las Vegas:

Amber Schreiber
Telephone: 702-673-7097
Address: Not Provided.
Business Telephone: Not Provided.
Email: aschreiber@cure4thekids.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Julia Prinzi
Telephone: 702-732-6808
Address: 3131 La Canada St., Las Vegas, NV 89169
Business Telephone: 702-732-1290
Email: jprinzi@chcnv.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Ali Khalaf
Telephone: 909-904-2940
Address: 3730 S. Eastern Ave., Las Vegas, NV 89169
Business Telephone: Not Provided.
Email: Ali.khalaf@usoncology.com
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions.

Sabrina Schnur
Telephone: 702-518-5822
Address: 1111 W. Proctor St., Suite 208, Carson City, NV 89701
Business Telephone: Not Provided.
Email: ss@cartwrightnv.com
Representing: Cartwright NV Government Affairs

No testimony was provided.

Zoe Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: Not Provided.

No testimony was provided.

Attendees at the November 17, 2025 Public Workshop in Reno:

None.

Attendees at the November 17, 2025 Public Workshop in Las Vegas:

Julia Prinzi
Telephone: 702-732-6808
Address: 3131 La Canada St., Las Vegas, NV 89169
Business Telephone: 702-732-1290
Email: jprinzi@chcnv.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Daniel Rodriguez
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: danielrodriquez@nationwideperfusion.net
Representing: Perfusion

No testimony was provided.

Samantha Barnes
Telephone: 702-994-8304
Address: 400 N. Stephanie St., Henderson, NV 89014
Business Telephone: Not Provided.
Email: Samantha.barnes@usoncology.com
Representing: CCCN

No testimony was provided.

Amber Schreiber
Telephone: 702-673-7097
Address: Not Provided.
Business Telephone: Not Provided.
Email: aschreiber@cure4thekids.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions.

Attendees at the January 16, 2026 Public Hearing in Reno:

None.

Attendees at the January 16, 2026 Public Hearing in Las Vegas:

Sabrina Petrel
Telephone: 702-518-5822
Address: 1111 W. Proctor St., Suite 208, Carson City, NV 89701
Business Telephone: Not Provided
Email: danielrodriguez@nationwideperfusion.net
Representing: NV Public Health Association

No testimony was provided.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions. Provided testimony addressing all the written comments on the regulation that had been received.

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 comments 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 September 26, 2025:

- 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 – Elko
- Great Basin College – Winnemucca
- 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, workshop notice, 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/, 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 workshops, public hearing, or Board meeting on January 29, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations 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 workshops held on October 28, 2025, and November 17, 2025, and the public hearing held on January 16, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. No written public comment was received prior to the regulation workshop, public hearing, or adoption meeting indicating

that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. All the public comments received at the regulation workshops and public hearing, as well as the written comments received throughout the process, were in favor of the regulations or contained questions about the regulations that were later answered. No public comment was received at the January 29, 2026 Board meeting.

The Board received an email Weldon Havins, M.D., on October 15, 2025. The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. The Board received an email from Ashley Smith signed by Michael Stephen Skylor Smith, on January 13, 2026. The Board received an email from Julia Prinzi on January 7, 2026. None of these emails or letters indicated that the 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.

A summary of the public comment received regarding LCB File No. R055-25 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 Thursday, January 29, 2026. It was adopted with three changes. Two of these changes were necessary after reviewing the regulation draft and the Board's original draft and intent. The third change was because of written comment received from Ms. Prinzi on January 7, 2026. The issue that she raised needed to be addressed to allow temporary licensed genetic counselors to be licensed and able to work after graduation without a gap if they cannot register for the required licensing examination immediately after graduation. These three changes were also reviewed and discussed with members of the public at the January 16, 2026 public regulation hearing prior to the Board discussing them and adopting the regulation with those changes on January 29, 2026.

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 proposed regulations implement the provisions of SB189, which was passed in the 2025 Legislative Session. Licensing this new profession, genetic counselors, should benefit small businesses by allowing them to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have immediate and long-term direct economic benefit on the business of the practice of medicine because the regulation will allow business in Nevada to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada. The Board believes that the proposed regulation will have a positive direct economic effect on the public by allowing more licensed personnel to provide them with medical care. This will provide the public with more access to medical care and potentially lower medical care costs. Genetic counselors are utilized in many areas of medicine to assist patients with making informed choices about their medical care. Licensing genetic counselors in Nevada will be good for both businesses and patients.

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

Licensing a new profession, genetic counselors, will cause increased costs for the Board. However, the Board hopes that the increased costs will be covered in time by the increased licensing fees received from the new licensees.

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.

In 2026, the Board anticipates receiving approximately 75 new applications for licensure as a genetic counselor. This would result in the Board collecting $22,500 in application fees, $28,000 in registration fees for the full biennium (applications received and licenses issued prior to July 1, 2026), and $1,000 in registration fees for the second half of the biennium (applications received and licenses issued after July 1, 2026) for a total receipt of $51,500 in new licensing fees. The Board anticipates paying its licensing software vendor $18,000 in 2026 to add this new license type to the Board's licensing system which will allow the Board to receive and process electronic applications. The remaining $33,500 received in 2026 will be used to pay for staff time in reviewing and processing applications for licensure, as well as utilized to regulate and enforce Nevada law regarding genetic counselors.

In 2027, the Board anticipates receiving approximately 10 new applications for licensure as a genetic counselor. This would result in the Board collecting $3,000 in application fees, $1,000 in registration fees for the second half of the biennium (applications received and licenses issued from January 1, 2027 through June 30, 2027), and $2,000 in registration fees for applications received in the first half of the new biennium (applications received and licenses issued from July 1, 2027 through December 31, 2027) for a total receipt of $6,000 in new licensing fees. The Board will also process renewals for genetic counselors in 2027, and the Board anticipates receiving renewal applications from approximately 80 genetic counselors. This will result in receiving approximately $32,000 in genetic counselor renewal fees, for a total receipt of fees from genetic counselors of $38,000. The Board will use this money to pay for staff time in reviewing and processing applications for licensure and applications for license renewals and to regulate and enforce Nevada law regarding genetic counselors.

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 Proposed Regulations Contained in LCB File No. R055-25

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

1. Background:

The proposed regulations are necessary to implement SB189 from the Legislative Session with regard to the regulation and licensure of genetic counselors in the State of Nevada.

2. Description of Solicitation:

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft and preliminary Small Business Impact Statement were sent to the following organizations on Friday, September 26, 2025:

- 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 – Elko
- Great Basin College – Winnemucca
- 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, workshop notice, 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/, 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 workshops, public hearing, or Board meeting on January 29, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations 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 workshops held on October 28, 2025, and November 17, 2025, and the public hearing held on January 16, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all of the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. No written public comment was received prior to the regulation workshop, public hearing, or adoption meeting indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. All of the public comments received at the regulation workshops and public hearing, as well as the written comments received throughout the process, were in favor of the regulations or contained questions about the regulations that were later answered. No public comment was received at the January 29, 2026 Board 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 regulations do 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 proposed regulations allow genetic counselors to receive licensure in Nevada which may be a benefit to businesses.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and existing provisions in Nevada law, as well as the comments received by stakeholders, potential license applicants, and members of the public at the Board's regulation workshops, public hearing, and adoption meeting or via written comment.

I, Edward O. Cousineau, 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: January 30, 2026 Signature:_____

Edward O. Cousineau, J.D.
Executive Director
Nevada State Board of Medical Examiners

R056-25

ADOPTED REGULATION OF THE

NEVADA STATE BOARD OF OPTOMETRY

LCB File No. R056-25

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

AUTHORITY: § 1, NRS 636.125, § 2, NRS 636.125 and section 3 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 601; § 3, NRS 636.125, 636.290 and 636.325; § 4, NRS 636.125 and 636.2893, as amended by section 10 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 604; § 5, NRS 636.125 and 636.287, as amended by section 9 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 603.

A REGULATION relating to optometry; adopting provisions governing the summary suspension of a license to practice optometry under certain circumstances; establishing factors that the Nevada State Board of Optometry will consider in determining disciplinary action or sanctions; revising the requirements for an optometrist to receive a certificate to treat persons diagnosed with glaucoma; revising the requirements for an optometrist to receive a certificate to administer and prescribe certain pharmaceutical agents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of optometry, including, without limitation, the licensing of optometrists by the Nevada State Board of Optometry. (Chapter 636 of NRS) Under existing law, after an investigation, the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation is authorized to summarily suspend a license to practice optometry upon a determination that the health, safety or welfare of the public or any patient served by a licensee is at risk of imminent or continued harm because of the manner in which the licensee practices optometry. If such an order of summary suspension is issued, the Board is required to hold a hearing within 60 days after the date on which the order to summarily suspend the license is issued, or within a longer period agreed to by the Board and the licensee, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board by the date on which such a hearing is required to be held, the Board must reinstate the license of the licensee. (Section 3 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 601) **Section 2** of this regulation establishes that the grounds for the summary suspension of a license to practice optometry exist if: (1) the licensee has violated a provision of existing law or regulations governing the practice of optometry; (2) the summary suspension is necessary to prevent further violations of such laws or regulations; and (3) the public health, safety or welfare imperatively requires the summary

suspension of the license. **Section 2** additionally requires the order of summary suspension to set forth the grounds for the issuance of the order, including a statement of facts, and establishes the period for which the order is effective.

Existing law establishes the types of disciplinary action that the Board is authorized to impose against a licensee when there are grounds for the Board to take disciplinary action against the licensee, including, without limitation, imposing an administrative fine, issuing a letter of public reprimand, issuing an order to cease and desist, placing the licensee on probation or suspending or revoking the license of the licensee. (NRS 636.290, 636.325, 636.420, as amended by section 16 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 606) **Section 3** of this regulation establishes the criteria that the Board will consider in determining the disciplinary action to take against a licensee. Under **section 3**, in determining such disciplinary action, the Board will consider certain factors to determine a baseline or presumptive penalty, then consider mitigating and aggravating factors set forth in **section 3**.

Existing law requires the Board to adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma. Before the enactment of Assembly Bill No. 183 (A.B. 183) of the 2025 Legislative Session, among other requirements, an optometrist who applied for such a certificate was required to provide proof that the optometrist had treated at least 15 persons who were diagnosed with glaucoma by an ophthalmologist licensed in this State. A.B. 183 authorized an optometrist to satisfy this requirement by treating 15 persons diagnosed with glaucoma by an ophthalmologist licensed in this State, any other state or territory of the United States or the District of Columbia. (NRS 636.2893, as amended by section 10 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 604) **Section 4** of this regulation authorizes an optometrist to satisfy the requirement to submit to the Board a statement concerning the treatment of persons diagnosed with glaucoma to include that the optometrist treated a person in consultation with an ophthalmologist licensed in this State, any other state or territory of the United States or the District of Columbia. **Section 4** also revises the requirement for an optometrist who is seeking to obtain a certificate to treat persons with glaucoma to submit a form to the Board containing certain information by authorizing the optometrist to submit an unsworn declaration attesting under penalty of perjury to the accuracy of certain information in the form rather than having the form signed by a notary public. (NAC 636.280)

Existing law requires the Board to adopt regulations which outline the requirements for certification to administer and prescribe certain pharmaceutical agents and sets forth certain requirements for inclusion in those regulations. A.B. 183 eliminated the requirement that an applicant for such a certification successfully complete not fewer than 40 hours of clinical training in administering and prescribing pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the Board. (NRS 636.287, as amended by section 9 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 603) **Section 5** of this regulation eliminates the requirement for an applicant to submit a form to establish compliance with this requirement. (NAC 636.730)

Section 1. Chapter 636 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *1. The Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct an investigation or the member of the Board who conducted an investigation may issue an order to summarily suspend the license of a licensee pursuant to section 3 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 601, if, after an investigation, the Board, the President of the Board, the presiding officer of the investigative committee or the member of the Board determines that:*

(a) The licensee has violated a provision of this chapter or chapter 636 of NRS;

(b) The summary suspension of the license is necessary to prevent a further violation of this chapter or chapter 636 of NRS; and

(c) The public health, safety or welfare imperatively requires the summary suspension of the license.

2. An order summarily suspending a license:

(a) Must:

(1) Comply with the applicable provisions of NRS 233B.127; and

(2) Set forth the grounds upon which the order is issued, including a statement of facts;

(b) Is effective upon service on the licensee or the licensee's attorney of record of the order and complaint; and

(c) Remains in effect until the Board:

(1) Modifies or rescinds the order;

(2) Issues its final order or decision on the underlying complaint; or

(3) Is required to reinstate the license of the licensee pursuant to section 3 of Assembly Bill No. 183, chapter 111, Statutes of Nevada 2025, at page 601.

3. Upon service on the licensee or the licensee's attorney of record of an order summarily suspending the license of the licensee, the provisions of subsection 3 of NRS 636.375 apply to any further notices related to that suspension.

Sec. 3. *1. In imposing disciplinary action or sanctions, the Board will consider the following factors:*

(a) Whether the licensee has violated a duty owed to a patient, to the public or to the profession;

(b) Whether the licensee acted intentionally, knowingly or negligently;

(c) The amount of the actual or potential injury caused by the misconduct of the licensee; and

(d) The existence of any aggravating or mitigating factors.

2. Using the factors set forth in paragraphs (a), (b) and (c) of subsection 1, the Board will determine a baseline or presumptive sanction. The Board may then consider any aggravating or mitigating factors to increase or decrease the sanction.

3. Aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:

(a) Previous disciplinary offenses;

(b) Dishonest or selfish motive;

(c) A pattern of misconduct;

(d) Multiple offenses;

(e) Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders;

(f) Submission of false evidence, false statements or other deceptive practices during the disciplinary hearing;

(g) Refusal to acknowledge the wrongful nature of the conduct;

(h) Vulnerability of the victim;

(i) Substantial experience in the practice of optometry;

(j) Indifference to making restitution; and

(k) Illegal conduct, including conduct that involves the use of controlled substances.

4. Mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:

(a) Absence of a previous disciplinary record;

(b) Absence of a dishonest or selfish motive;

(c) Personal or emotional problems;

(d) Timely and good faith effort to make restitution or to rectify the consequences of the misconduct;

(e) Full and free disclosure to the disciplinary authority or a cooperative attitude toward proceeding;

(f) Inexperience in the practice of optometry;

(g) Character or reputation;

(h) The licensee is a person with a physical disability;

(i) The licensee is a person with a mental illness or with an alcohol or other substance use disorder when:

(1) There is medical evidence that the licensee is a person with a mental illness or with an alcohol or other substance use disorder;

(2) The mental illness or alcohol or other substance use disorder caused the misconduct;

(3) The recovery of the licensee from the condition creating the mental illness or from the alcohol or other substance use disorder is demonstrated by a meaningful and sustained period of successful rehabilitation; and

(4) The recovery arrested the misconduct and recurrence of that misconduct is unlikely;

(j) Delay in disciplinary proceedings;

(k) Interim rehabilitation;

(l) Imposition of other penalties or sanctions;

(m) Remorse; and

(n) Remoteness of previous offenses.

5. Factors that should not be considered as either aggravating or mitigating include, without limitation:

(a) Forced or compelled restitution;

(b) Agreeing to the demand of a patient for improper behavior;

(c) Withdrawal of a public complaint against the licensee;

(d) Resignation before the completion of disciplinary proceedings;

(e) Any recommendation by the complainant or aggrieved patient as to sanction; and

(f) The failure of a complainant or an aggrieved patient to complain.

Sec. 4. NAC 636.280 is hereby amended to read as follows:

636.280 To receive a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895, an optometrist:

1. Must be licensed and in good standing to practice optometry in the State of Nevada.

2. Must possess a valid certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.

3. Must have successfully passed the Treatment and Management of Ocular Disease Examination administered by the National Board of Examiners in Optometry or its successor organization.

4. Shall submit proof on a written form provided by the Executive Director of the Board that the optometrist has treated at least 15 persons described in subsection 3 of NRS 636.2893. The form must include:

(a) The name, address and license number of the optometrist;

(b) An identifier for each patient treated, the date on which the treatment for each patient began and a description of the treatment plan which, for each patient, must be not less than 1 year in length beginning not earlier than October 1, 1999;

(c) A statement that the optometrist has, in consultation with an ophthalmologist licensed in the State of Nevada, ***the District of Columbia or any other state or territory of the United States,*** treated the patients in accordance with the provisions of this chapter and chapter 636 of NRS;

(d) A statement that the consulting ophthalmologist has diagnosed the patients with glaucoma or confirmed a diagnosis of glaucoma by the optometrist; and

(e) The signatures of the optometrist, the consulting ophthalmologist and ***, except as otherwise provided in this paragraph,*** a notary public attesting to the accuracy of the

information. ***An optometrist may submit with the form an unsworn declaration in accordance with NRS 53.045 to declare under penalty of perjury that the information is accurate in lieu of the signature on the form of a notary public attesting to the accuracy of the information.***

Sec. 5. NAC 636.730 is hereby amended to read as follows:

636.730 1. The Board shall provide a certificate to administer and prescribe pharmaceutical agents to each optometrist who:

(a) Is licensed to practice optometry in the State of Nevada and is in good standing.

(b) Has successfully completed the Treatment and Management of Ocular Disease Examination administered by the National Board of Examiners in Optometry, or its successor organization. The Board must receive verification that the person successfully completed the examination from the testing agency.

~~[(c) Submits a form which meets the requirements set forth in subsection 2 and which states that the optometrist successfully completed a training program of not less than 40 hours of clinical training in administering and prescribing pharmaceutical agents which was:~~

~~(1) Conducted by an ophthalmologist who is licensed and in good standing in any state, territory or possession of the United States; and~~

~~(2) Comprehensive in nature and covered the use of all classes of pharmaceutical agents which may be administered or prescribed pursuant to chapter 636 of NRS.]~~

2. ~~[Upon completion by an optometrist of a training program which meets the requirements of paragraph (c) of subsection 1, the ophthalmologist who conducted the program shall, on a form provided by the Executive Director of the Board, certify under penalty of perjury that the optometrist named on the form satisfactorily completed the training program.]~~ On a separate form provided by the Executive Director, the named optometrist shall certify under penalty of

perjury that he or she ~~[completed the training program and]~~ satisfies all of the other requirements for certification to administer and prescribe pharmaceutical agents. ~~[The certifying signatures of the ophthalmologist and optometrist must be notarized.~~

~~3. The forms provided by the Executive Director of the Board pursuant to subsection 2 must:~~

~~(a) Set forth the requirements for the training program described in this section;~~

~~(b) Contain the certifications for the ophthalmologist or optometrist, as applicable. which are required by this section; and~~

~~(c) Provide space and appropriate designations for the notarization of the signatures of the ophthalmologist or optometrist, as applicable.]~~

NEVADA STATE BOARD OF OPTOMETRY

Informational Statement Form re
LCB File No. R056-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 636.

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

NRS/NAC 636 govern optometry. AB183 (2025) is not codified but has modified NRS 636. R066-19 is not codified but has modified NAC 636. R101-24 is not codified but has modified R066-19. R056-25 provides corollary regulations to AB183 (2025) and NRS 636. There are four regulations within R056-25:

R056-25(2) is the regulation associated with AB183(3) regarding summary suspensions of a license by the Board. The proposed regulation is functionally identical to NAC 633.450 which regulates other healthcare providers, which was repealed in 2024 due to being largely duplicative of NRS 633.581 created in 2023. Because the statute concerns summary suspensions, the Board felt it best to ensure due process duties it may owe to the subjected licensee(s) which are not expressly stated in AB183(3).

R056-25(3) is the regulation associated with NRS 636.325 regarding disciplinary actions and factors to be considered in imposing disciplinary actions or sanctions. The proposed regulation is functionally identical to Nevada Supreme Court Rule 102.5 pertaining to disciplinary actions and sanctions upon Nevada-licensed attorneys. At present, the Board has no factors of consideration when issuing discipline or sanctions upon a licensee after a formal finding of unprofessional conduct. The Board believes once adopted it will assist the Courts in the event of a Petition for Judicial Review filed upon the Board and any hypothetical arguments from the aggrieved licensee that the Board's Order for such discipline or sanction was allegedly arbitrary and capricious.

R056-25(4) is the regulation to modify NAC 636.280 associated with AB183(10) regarding requirements for certifications to treat glaucoma. This represents a conforming change to AB183(10) which governs the same topic of glaucoma certification and the process in which licensees obtain such a certification.

R056-25(5) is the regulation to modify NAC 626.730 associated with AB183(9) regarding certifications to administer and prescribe therapeutic pharmaceutical agents. This represents a

conforming change to AB183(9) which governs the same topic of pharmaceutical agents and the process in which licensees obtain such a certification.

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.

On August 27, 2025, the Board issued a Newsletter to its membership through its email-distribution list alerting the membership to an upcoming workshop and conducted a stakeholder meeting for such purposes prior to such workshop, where any impact on small business was allowed to be discussed at those times. No comments received.

After the statutorily requisite amount of time after the posting of a Notice of Workshop, on September 25, 2025 the Board held a NRS 233B-compliant public workshop in-person at Nevada State Business Center, 3300 W. Sahara Ave., Tahoe Room, 4th Floor, Suite 440, Las Vegas, NV. 89102 to gain input regarding R056-25.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on December 10, 2025 the Board held a NRS 233B-compliant meeting to adopt R056-25 as written by LCB and added two minor edits as to R056-25(2)'s service of process upon a licensee's counsel and not just the licensee, and as to R056-25(4) allowing as option for the legal equivalent of an affidavit in the form of a declaration per NRS 53.045. Prior to, written submissions were requested on or before October 23, 2025 including that if no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Optometry may proceed immediately to act upon any written submissions. No comments received.

Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: https://nvoptometry.org, and Nevada Public Notice website: http://notice.nv.gov, R056-25 and proposed revisions were also posted with Administrative Regulation Notices website www.leg.state.nv.us/App/Notice/A, and in lobby of the NV State Library and Archives.

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

3. The number of persons who:

(a) Attended each hearing:

Public Workshop, 9/25/2025-8
Notice of Intent to Take Action, 12/10/2025- 8

(b) Testified at each hearing:

Public Workshop, 9/25/2025- 0

Notice of Intent to Take Action, 12/10/2025- 0

(c) Submitted to the agency written comments:

Public Workshop, 9/25/2025- 0
Notice of Intent to Take Action, 12/10/2025- 0

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

Public Workshop, 9/25/2025- notwithstanding three Board members and executive director- Jon Christiansen, O.D., 702-737-0097; Ken Kopolow, O.D.; k.kopolow@lasvegaseyedocs.com, 702-452-2020; Steve Girigensen, O.D., s.girisgen@lasvegaseyedocs.com, 702-452-2020; David Davis, O.D., drdavis.visionsource@gmail.com, 702-385-7331; Jen Sommer- not provided

Notice of Intent to Take Action, 12/10/2025- notwithstanding five Board members and executive director-Victoria Supple- tori@argentumnv.com, Matt Robinson matt@argentumnv.com

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.

Commentary from any affected businesses was solicited through the Board's Newsletters to its membership, many of whom are small business owners, and posting the Notice of Workshop and regular meeting agendas listing proposed changes to NAC 636 as an action item on the Board's website and posting physically and electronically at the Board's office in Reno, NV 89523, and Public Notice website: http://notice.nv.gov; all of which expressly solicited public commentary, and R056-25 and its proposed revisions were also posted with Administrative Regulation Notices website www.leg.state.nv.us/App/Notice/A, and in lobby of the NV State Library and Archives. No comments received.

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.

No changes were requested from the public, but the Board added two minor edits as to R056-25(2)'s service of process upon a licensee's counsel and not just the licensee, and as to R056-25(4) allowing as option for the legal equivalent of an affidavit in the form of a declaration per NRS 53.045. The Board felt it the language as proposed was too restrictive when reading other portions of NRS/NAC 636 as a whole, and in keeping with the Board's intent to decrease impediments to allowing licensees to practice to their scope and thereby provide the public with increased access to optometric healthcare inclusive of glaucoma treatments. Otherwise the Board agreed with nearly all of Legislative Counsel Bureau's formatting and content as provided in the Notice of Intent to Take Action.

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

Adverse and beneficial effects on optometry- none of the regulations affect the business of optometry per se one way or another. Two regulations deal with license suspensions and the factors to account for when disciplining a licensee. The other two regulations deal with conforming changes for the process in which a licensee can prescribe certain pharmaceutical agents and in treating glaucoma.

Adverse and beneficial effects on the public- the Board does not perceive any adverse effects on the public. Instead two regulations deal with license suspensions and the factors to account for when disciplining a licensee when committing unprofessional conduct upon a patient or the public as a whole. The other two regulations deal with conforming changes for the process in which a licensee can prescribe certain pharmaceutical agents and in treating glaucoma, and thereby increase the scope of optometry available to patients state-wide.

(b) Both immediate and long-term effects.

Immediate and long-term effects on optometry- once the regulation revisions are approved and processed through the Legislative Counsel Bureau and Secretary of State, the effects stated above will be immediate. Two of the regulations regard the process and due process for licensee suspensions and the factors the Board must account for when the Board determines that a licensee has committed unprofessional conduct upon a patient or the public as a whole. The other two regulations regard a reduction in impediments to licensees in order to practice their scope of prescribing certain pharmaceutical agents and treating patients with glaucoma.

Immediate and long-term effects on the public- once the regulation revisions are approved and processed through the Legislative Counsel Bureau and Secretary of State, the effects stated above will be immediate. Two regulations regard a reduction in impediments to licensees in order to practice their scope of prescribing certain pharmaceutical agents and treating patients with glaucoma, and would thereby immediately and in the long-term increase healthcare to patients state-wide for additional optometric conditions such as glaucoma.

8. The estimated cost to the agency for enforcement of the adopted regulation.

Notwithstanding changing the application form for endorsement to treat glaucoma and to so do by providing an option to provide a declaration pursuant to NRS 53.045 as opposed to solely providing a legally equivalent affidavit, the Board does not believe there will be a cost for enforcement beyond that already ascribed in NRS/NAC 636.

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.

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

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

N/A. None of the proposed regulation changes duplicates or is more stringent than any federal, state, or local standards regulating optometry to the best of the Board's knowledge.

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.

N/A. None of R056-25 regards fees.

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

ADAM SCHNEIDER
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

Small Business Impact Statement

Background

NRS/NAC 636 govern optometry. R066-19 inclusive of R049-25 for amendments to R066-19(7), R101-24 are necessary to update the regulations associated with NRS 636, as well as to comply with recent statutory changes of AB183 recently codified in NRS 636 in the June 2025 legislative session which includes the following sections:

Sections 1-2 defines the Board's purpose, and that a license is a revokable privilege;
Section 3 gives the Board a cease and desist process in the event the Board is made aware of a bad actor licensee or an illicit scheme;
Section 5 and 9.5 clarifies the definition of "pharmaceutical agent";
Sections 6-7 adds another optometrist as a Board member;
Section 8 clarifies any applicant for license by endorsement must have passed the National Board of Examiners in Optometry (NBEO) and not any alternative test such as the Optometry Examining Board of Canada);
Section 9 regards Optometric Pharmaceutical Agent Certification (OPAC) and eliminates the ophthalmologist's 40-hour attestation component (but maintains that the applicant must have passed the NBEO's Treatment and Management of Ocular Disease test);
Section 10 regards glaucoma endorsement and eliminates the requirement that the ophthalmologist has to be Nevada-licensed;
Section 11 allows the Board to order a licensee appear at a hearing to aid in an investigation;
Sections 12-13 expands the definition of optometry to include optometric telemedicine;
Sections 14 and 16 provide for a category of administrative fines that would not be reportable to the National Practitioner Databank;
Section 15 now includes permanent incapacity to the statute regarding the death of a solo practitioner and the timing to transfer of ownership.

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 (NRS 233B.0609(1)(a))

On June 16, 2025 and July 31, 2025, the Board discussed the potential topics and text for regulations at its regular board meetings inclusive of R066-19(7) since registered as R049-25. At each of those Board meetings, the public had access to two periods of opportunity for public

comment inclusive of any impact on a small business. Additionally, the Board President regularly accepted public comment when a person had a relevant comment during the Board's discussions. No comments received.

On August 27, 2025, the Board issued a Newsletter to its membership through its email-distribution list alerting the membership to an upcoming workshop and conducted a stakeholder meeting for such purposes prior to such workshop, where any impact on small business was allowed to be discussed at those times. No comments received.

After the statutorily requisite amount of time after the posting of a Notice of Workshop, on September 25, 2025 the Board plans to hold a NRS 233B-compliant public workshop in-person at Nevada State Business Center, 3300 W. Sahara Ave., Tahoe Room, 4th Floor, Suite 440, Las Vegas, NV. 89102 to gain input regarding R066-19, R101-24, R049-25, and AB183.

Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: https://nvoptometry.org, and Nevada Public Notice website: http://notice.nv.gov

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

Manner in which the analysis was conducted (NRS 233B.0609(1)(b))

See above.

Estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects and both direct and indirect effects. (NRS 233B.0609(1)(c)(1-(2))

Adverse and beneficial economic effects on optometry- the Board does not perceive any adverse economic effects. While R049-25 regards licensing fees, none of AB183 regards the economics of optometry and are more so regulatory in nature. The Board perceives positive effects upon optometry to declare its mission is to protect the public, and increasing access to healthcare in terms of allowing optometrists to practice to their scope as trained upon in schooling and national boards.

Adverse and beneficial economic effects on the public- the Board does not perceive any adverse effects on the public. The Board perceives positive effects upon the public to declare its mission to protect the public and that a license is a revokable privilege, gives the Board a cease and desist process in the event the Board is made aware of a bad actor licensee or an illicit scheme, mandating of national boards and not any alternative test administered in a foreign country with potentially different standards than in the United States, such as the Optometry Examining Board of Canada), and compels a licensee appear at a hearing to aid in an investigation.

Immediate and long-term effects on optometry- AB183 provides the Board with additional investigative tools upon its licensees in the event of alleged unprofessional conduct, which should make its licensees even more adherent to optometry laws overall than the

membership is already. AB183 mandates the passage of national boards and not any alternative test administered in a foreign country with potentially different standards than in the United States, such as the Optometry Examining Board of Canada, which will benefit optometry as a whole. Sections 9 and 10 remove previously required restrictions on how optometrists can legally prescribe certain pharmaceutical agents and treat glaucoma, and thus allow the optometrists to more so practice to the scope that they learned in schooling and national boards.

Immediate and long-term effects on the public- the above described sections of AB183 and associated regulations when increasing the Board's investigatory tools into potential unprofessional conduct, decreasing impediments to a licensee practicing more so to the scope of license as learned in schooling and national board testing, can only benefit the public, particularly in more so rural populations where access to specialized healthcare is limited.

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 the methods. (NRS 233B.0609(1)(d))

The agency states it did not use any such methods. As summarized above, none of the above sections "impose a direct and significant economic burden" or "directly restrict the formation, operation or expansion of a small business" (*see* NRS 233B.0608). Nor is there any anticipation that any of the above sections will have an impact upon a small business or a negative impact on the formation, operation, or expansion of a small business in Nevada.

Estimated cost to the agency for enforcement of the proposed regulation (NRS 233B.0609(1)(e))

The Board estimates none beyond the initial costs of implementing the regulations, providing education to licensees and updating the Board's website with forms and fees reflecting the regulation changes. The Board expects that staff costs will be absorbed into the existing workloads of current staff. There is no perceived cost to the licensees governed under NRS 636. There is no perceived cost to the public.

Known violations or known alleged violations of the regulation will result in an investigation as authorized under NRS 636, and possible prosecution and discipline. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

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 (NRS 233B.0609(1)(f))

R049-25 seeks to make a clarifying change to R066-19(7) that its biennial licensing fee maximum ($825) matches NRS 636.143's maximum ($1200). The Board projects an increased amount of 82,500 for active licensees and $5,000 for inactive licensees. The Board is wholly self-funded with licensee transaction fees, licensing, and license renewals, and therefore the money will be used to fund the Board's operating expenses.

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. (NRS 233B.0609(1)(g))

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

The reasons for the conclusions of the agency regarding the impact of a regulation on small business (NRS 233B.0609(1)(h))

A plain reading of R066-19, R101-24 and AB183's text demonstrates that none of its sections regard how optometry clinics, nearly all of which are small businesses as defined in NRS 233B, are to be conducted or are being mandated to spend capital in certain ways. See also Section 2 of this Statement wherein the membership, the public, and all interested persons were privy to these discussions by virtue of the Board's physical postings and online postings and no person expressed any impact on small business.

Certification to best of knowledge or belief, the information contained in the statement was prepared properly and is accurate. (NRS 233B.0609(2)

I, Adam Schneider, Esq., Executive Director of the Nevada State Board of Optometry, 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); NRS 233B.0609(2))

Dated: 9/9/2025

/s/ Adam Schneider
Adam Schneider, Esq.
Executive Director
Nevada State Board of Optometry

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R057-25

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

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising the date by which the Board of Control of the Nevada Interscholastic Activities Association is required to biennially elect a President and Vice President; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association and requires the Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.050, 385B.060) Existing regulations create the Board of Control as the governing body of the Association and prescribe the voting and nonvoting membership and officers of the Board. (NAC 385B.106-385B.112) Existing regulations require the Board to elect a President and Vice President from among the voting members at a meeting conducted not later than March 31 of each odd-numbered year. (NAC 385B.112) This regulation changes the deadline for a meeting of the Board to conduct such an election to May 31 of each odd-numbered year.

Section 1. NAC 385B.112 is hereby amended to read as follows:

385B.112 1. The Board shall, at a meeting ***of the Board*** conducted not later than **[**~~March~~**]** ***May*** 31 of each odd-numbered year, elect a President and Vice President from among its voting members.

2. The President of the Board shall:

(a) Preside at each meeting of the Board;

(b) Represent the Association; and

(c) Carry out any other duties of the office.

3. The President of the Board may call a special meeting of the Board in accordance with regulations adopted by the Board.

4. If a vacancy occurs in the office of the President of the Board, the Vice President of the Board shall serve for the unexpired term of the President. The Board shall elect a Vice President to fill the unexpired term of a Vice President who serves as the President of the Board pursuant to this subsection.

5. The Vice President of the Board shall carry out the duties of the President of the Board during any period in which the President, as determined by the Association, is unable to carry out those duties.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R057-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

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

   This regulation contains a revision to NAC 385B.112(1) regarding the date for conducting election of the President and Vice President of the Board of Control. The current regulation requires this bi-annual election to occur no later than March 31 of odd-numbered years. The proposed regulation extends the deadline to May 31 of every odd-numbered year for conducting the election. The reason for the change is to ensure compliance with the regulation based on the Board of Control meeting schedule which does not always comport with the March 31st deadline to complete the election of officers.

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.**

   Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, www.niaa.com, as well as https://notice.nv.gov; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Elko County School District
850 Elm Street
Elko, NV 89801

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Carson City School District
1140 West King Street
Carson City, NV 89703

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "I." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
   - **(a) Attended each hearing: 0**
   - **(b) Testified at each hearing: 0**
   - **(c) Submitted to the agency written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**

   - **(a) Name;**
   - **(b) Telephone number;**
   - **(c) Business address;**
   - **(d) Business telephone number;**
   - **(e) Electronic mail address; and**
   - **(f) Name of entity or organization represented.**

   There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

   No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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 regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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

N/A

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.

N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 24th day of December, 2025.

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

By: _____

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

NOTICE OF INTENT TO ACT UPON A REGULATION
NRS 233B.0603

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, www.niaa.com. Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) This regulation revises NAC 385B.112(1) regarding the date for conducting election of the President and Vice President of the Board of Control. The current regulation requires this bi-annual election to occur no later than March 31 of odd-numbered years. The proposed regulation extends the deadline to May 31 of every odd-numbered year for conducting the election. The reason for the change is to ensure compliance with the regulation based on the Board of Control meeting schedule which does not always comport with the March 31st deadline to complete the election of officers.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available 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 http:\\www.leg.state.nv.us. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association
1188 Victorian Plaza Circle
Sparks, Nevada 89431

Clark County School District
5100 West Sahara Avenue
Las Vegas, Nevada 89143

Carson City School District
1140 West King Street
Carson City, Nevada 89703

Elko County School District
850 Elm Street
Elko, Nevada 89801
http://notice.nv.gov

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

www.niaa.com
https://notice.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 057-25

The following statement is submitted in accordance with NRS 233B.0608:

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.**

   The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

   N/A. See response to number one, above.

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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

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

   N/A. See response to number one, above.

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

   None.

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.**

   This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

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.**

N/A. See response to number one, above.

This is to 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 businesses and the information contained in the statement was prepared properly and is accurate.

Dated this _____ day of December, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R058-25

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

AUTHORITY: §§ 1-4, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising certain provisions relating to tennis games conducted by a school; revising certain provisions relating to flag football games conducted by a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association and requires the Association to adopt rules and regulations concerning interscholastic athletic and other events. (NRS 385B.050, 385B.060) Existing regulations set forth certain requirements for a school to conduct tennis games, including a requirement that a 45-point round-robin format be used for each regular or postseason tennis game. (NAC 385B.510) **Section 1** of this regulation instead requires that an 18-point round-robin format be used for each tennis match.

Existing regulations require that each team that participates in tennis as a sanctioned sport consist of three members who play singles games and six members who play as members of three doubles teams. (NAC 385B.510) **Section 1** changes the required membership to: (1) in each round, a maximum of three members who play singles sets and a maximum of six members who play as members of three doubles teams; and (2) in a match, a minimum of six members or the team forfeits. **Sections 3 and 4** of this regulation make conforming changes based on the changes to the required number of members of a tennis team.

Section 1 revises the amount of points each member of a team or doubles team receives for winning a set of games during a tennis match. **Section 1** also removes certain requirements for the individual portion of a league or regional tournament for tennis.

Existing regulations set forth certain requirements for a school to conduct flag football games. (NAC 385B.535) Existing regulations require each school where a flag football game is conducted to ensure that the game is timed in the manner prescribed by the Board of Control of the Association. (NAC 385B.535) **Section 2** of this regulation instead requires each flag football game, except play-off games, to be conducted in accordance with the rules of flag football adopted by the National Federation of State High School Associations or its successor

organization. **Section 2** also removes the requirement that each postseason flag football game be approved by the Board.

Existing regulations prohibit a school or pupil from participating in more than 18 flag football games during the regular season. (NAC 385B.378, 385B.535) **Section 2** eliminates a duplicative provision.

Section 1. NAC 385B.510 is hereby amended to read as follows:

385B.510 1. The state tournament for tennis must be conducted at the date, time and place specified by the Board.

2. Except as otherwise provided in this section, each tennis game must be conducted in accordance with the rules of tennis adopted by the United States Tennis Association or its successor organization.

3. ~~[A 45-point]~~ ***An 18-point*** round-robin format must be used for each ~~[regular or postseason]~~ tennis ~~[game. Each]~~ ***match. In each round, each*** team ~~[that participates in tennis as a sanctioned sport must consist of]~~ ***may have not more than*** three members who play singles ~~[games]~~ ***sets*** and ***not more than*** six members who play as members of three doubles teams. A member of a team may not play both singles games and doubles games ~~[.]~~ ***in the same match.***

4. ***A team must have at least six members to participate in a team match. If a team has less than six members, it forfeits the team match. If both teams each have less than six members, the team match will be recorded as a double forfeit.***

5. Each member of a team who plays singles games must play one set ~~[consisting of six games]~~ against each member of an opposing team who plays singles games. If the member wins a set, the member is entitled to receive ~~[two points]~~ ***one point*** for that set.

~~[5.]~~ ***6.*** Each doubles team must play one set ~~[consisting of six games]~~ against each opposing doubles team. If a doubles team wins a set, the ***doubles*** team is entitled to receive ~~[three points]~~ ***one point*** for that set. ~~[A doubles team may not receive more than 27 points for winning sets during a tennis match.~~

~~6.]~~ ***7.*** No person, other than a coach for a school, may provide instruction to a member of a team during a changeover that occurs during a set. Each coach shall ensure that each member of the team for which he or she is a coach wears a school uniform for tennis during the period in which the member participates in a tennis game as a member of that team. A school uniform for tennis is not required to consist of the colors of that school.

~~[7.]~~ ***8.*** The individual portion of a league or regional tournament for tennis consists of a ~~[32-singles]~~ ***singles*** draw and a ~~[32-doubles]~~ ***doubles*** draw. ~~[The two best teams in each league must qualify to participate in a regional tournament by using a 45-point round-robin format.~~

~~8.]~~ ***9.*** If a tennis match results in a tie score, the winner of the match must be determined in the manner specified in the manual prepared by the Association for that purpose.

~~[9.]~~ ***10.*** Each state tournament for tennis must be conducted in accordance with the manual prepared by the Association for that purpose.

Sec. 2. NAC 385B.535 is hereby amended to read as follows:

385B.535 1. ~~[Each school where a flag football game is conducted shall ensure that the game is timed in the manner prescribed by the Board. A school shall not participate in a flag football game that is scheduled during the regular season after the play-offs begin for the league in which the school is aligned pursuant to NAC 385B.250.]~~ ***Except as otherwise provided in subsection 2, each flag football game must be conducted in accordance with the rules of flag***

football adopted by the National Federation of State High School Associations or its successor organization.

2. ~~[Each postseason flag football game must be approved by the Board.~~

~~3.]~~ The Executive Director shall determine the date, time and place for conducting each play-off game for flag football.

~~[4. A school shall not allow a team of the school that participates in flag football as a sanctioned sport to participate in more than 18 games, other than a play-off game that is approved by the Executive Director, during the regular season in which the team participates in flag football.]~~

Sec. 3. NAC 385B.630 is hereby amended to read as follows:

385B.630 1. The Executive Director shall not schedule or conduct:

(a) A state tournament for a sanctioned sport for a Class 1A or 2A region unless:

(1) At least nine teams from the region participate in the region during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a state tournament is necessary for competitive balance within the region; or

(b) A regional tournament for a sanctioned sport for a Class 1A or 2A league unless:

(1) At least three teams from the league participate in the league during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a regional tournament is necessary for competitive balance within the league.

2. For the purpose of this section, a team that participates in a sanctioned sport specified in this subsection must consist of the following number of participants for that sanctioned sport, as determined by the roster of participants prepared by the Association for that purpose for the season for the sanctioned sport:

(a) Cross-country, not less than five participants;

(b) Golf, not less than five participants;

(c) Tennis, not less than ~~[four]~~ ***six*** participants;

(d) Track and field for boys or girls, not less than one participant in each of at least 14 events; and

(e) Wrestling, not less than one participant in each of at least seven weight classifications.

3. If, during a season for a sanctioned sport specified in subsection 2, the number of participants in the sanctioned sport falls below the number of participants required for the sanctioned sport pursuant to that subsection, the reduction in that number does not affect the status of the team for the season.

Sec. 4. NAC 385B.632 is hereby amended to read as follows:

385B.632 1. The Executive Director shall not schedule or conduct:

(a) A state tournament for a sanctioned sport for a Class 3A or 4A region unless:

(1) At least nine teams from the region participate in the sanctioned sport during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a state tournament is necessary for competitive balance within the region; or

(b) A regional tournament for a sanctioned sport for a Class 3A or 4A league unless:

(1) At least four teams from the league participate in a sanctioned sport during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a regional tournament is necessary for competitive balance within the league.

2. For the purposes of this section, a team that participates in a sanctioned sport specified in this subsection must consist of the following number of participants for that sanctioned sport, as determined by the roster of participants prepared by the Association for that purpose for the season for the sanctioned sport:

(a) Cross-country, not less than five participants;

(b) Golf, not less than five participants;

(c) Tennis, not less than ~~[four]~~ ***six*** participants;

(d) Track and field for boys or girls, not less than one participant in each of at least 14 events; and

(e) Wrestling, not less than one participant in each of at least seven weight classifications.

3. If, during a season for a sanctioned sport specified in subsection 2, the number of participants in the sanctioned sport falls below the number of participants required for the sanctioned sport pursuant to that subsection, the reduction in that number does not affect the status of the team for the season.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R058-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

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

This regulation contains revisions to NAC 385B.510 concerning the method for scoring Tennis matches. The revisions included herein update the scoring method from a 45-point system to an 18-point system. Under the 9-point system each team fields a lineup of 1, 2, or 3 singles match players and 1, 2, or 3 doubles match teams. Each singles player plays one set against all three singles players from the other team for a total of 9 sets played, and each doubles team plays one set against each doubles team of the opponent for a total of 9 sets. The combined total of all sets played is 18. The team that wins the most sets wins the match. The revisions also include a requirement that a school have a minimum of 6 players so it can fill at least two of the doubles sets. If there are less than 6 players, the school forfeits the entire match. Finally, the revision to section 7 (now section 8) as to the number of singles players and doubles teams eliminates the requirement for 32 since some regions within the state are larger or smaller than others thus making a certain limit unenforceable on a statewide basis.

The regulation also contains revisions to NAC 385B.535 regarding Girls Flag Football. This revision is necessary to comply with the National Federation of State High School ("NFHS") adoption of a rule book for Flag Football. When the NIAA adopted Girls Flag Football the NFHS did not have a rule book for the sport, so the NIAA adopted its own rules. As a member of the NFHS the NIAA is required to follow NFHS rule books in all sports, and must now do so for Girls Flag Football.

The regulation also revises NAC 385B.630 and NAC 385B.632, regarding the number of Boys and Girls Tennis participants necessary to participate in a state tournament. The revision tracks with the changes to NAC 385B.510, changing the number from 4 participants to 6 participants for each qualifying team.

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.**

Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, www.niaa.com, as well as https://notice.nv.gov; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "I." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
   - **(a) Attended each hearing: 0**
   - **(b) Testified at each hearing: 0**
   - **(c) Submitted to the agency written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
   - **(a) Name;**
   - **(b) Telephone number;**
   - **(c) Business address;**
   - **(d) Business telephone number;**
   - **(e) Electronic mail address; and**
   - **(f) Name of entity or organization represented.**

   There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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 regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

   This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

   (b) Both immediate and long-term effects:

   This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

   There is no additional cost to the agency for enforcement of this regulation.

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.**

   There are no other state or government agency regulations that the proposed amendments duplicate.

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

    N/A

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.**

    N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 24th day of December, 2025.

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

By: _____

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

NOTICE OF INTENT TO ACT UPON A REGULATION
NRS 233B.0603

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, www.niaa.com. Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:
   (a) This regulation revises NAC 385B.510 concerning the method for scoring Tennis matches. The revisions included herein update the scoring method from a 45-point system to an 18-point system. Under the 9-point system each team fields a lineup of 1, 2, or 3 singles match players and 1, 2, or 3 doubles match teams. Each singles player plays one set against all three singles players from the other team for a total of 9 sets played, and each doubles team plays one set against each doubles team of the opponent for a total of 9 sets. The combined total of all sets played is 18. The team that wins the most sets wins the match. The revisions also include a requirement that a school have a minimum of 6 players so it can fill at least two of the doubles sets. If there are less than 6 players, the school forfeits the entire match. Finally, the revision to section 7 (now section 8) as to the number of singles players and doubles teams eliminates the requirement for 32 since some regions within the state are larger or smaller than others thus making a certain limit unenforceable on a statewide basis.
   (b) The regulation also contains revisions to NAC 385B.535 regarding Girls Flag Football. This revision is necessary to comply with the National Federation of State High School ("NFHS") adoption of a rule book for Flag Football. When the NIAA adopted Girls Flag Football the NFHS did not have a rule book for the sport, so the NIAA adopted its own rules. As a member of the NFHS the NIAA is required to follow NFHS rule books in all sports and must now do so for Girls Flag Football.
   (c) The regulation also revises NAC 385B.630 and NAC 385B.632, regarding the number of Boys and Girls Tennis participants necessary

to participate in a state tournament. The revision tracks with the changes to NAC 385B.510, changing the number from 4 participants to 6 participants for each qualifying team.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available 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 http:\\www.leg.state.nv.us. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association
1188 Victorian Plaza Circle
Sparks, Nevada 89431

Clark County School District
5100 West Sahara Avenue
Las Vegas, Nevada 89143

Carson City School District
1140 West King Street
Carson City, Nevada 89703

Elko County School District
850 Elm Street
Elko, Nevada 89801
http://notice.nv.gov

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

www.niaa.com
https://notice.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 058-25

The following statement is submitted in accordance with NRS 233B.0608:

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.**

   The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

   N/A. See response to number one, above.

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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

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

   N/A. See response to number one, above.

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

   None.

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.**

   This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

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.**

N/A. See response to number one, above.

This is to 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 businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 16th day of December, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R059-25

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

AUTHORITY: §§ 1-4, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing the conduct of state tournaments for boys' and girls' golf; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the establishment of the Nevada Interscholastic Activities Association and requires the Association to adopt regulations governing interscholastic activities and events. (NRS 385B.050, 385B.060) Existing regulations set forth procedures governing the conduct of state tournaments for boys' and girls' golf. (NAC 385B.452, 385B.456)

Sections 1 and 2 of this regulation revise the required number of members of each team that participates in a state tournament for boys' and girls' golf, respectively, from five or six members to a minimum of four members. **Sections 1 and 2** also eliminate: (1) prohibitions relating to certain uses of courses designated for such state tournaments; and (2) requirements relating to pretournament meetings and scorers for such state tournaments. **Sections 3 and 4** of this regulation make conforming changes as a result of the change in the required number of members of a team participating in a state tournament for golf.

Section 1. NAC 385B.452 is hereby amended to read as follows:

385B.452 1. The rules of golf established by the United States Golf Association or its successor organization govern the conduct of each state tournament for boys' golf.

2. Each team that participates in a state tournament for boys' golf must consist of **[**~~five or six~~**]** ***at least four*** members. Each state tournament for boys' golf must be:

(a) Completed in 2 days during which 36 holes are played; and

(b) Scored as 2 events consisting of 18 holes for each event.

3. Each league or regional tournament for boys' golf must be completed in not more than 2 days, as determined by:

(a) The league or region;

(b) The director of the tournament; and

(c) The Executive Director.

4. ~~[A team or a pupil who is a member of a team that participates in a state tournament for boys' golf shall not, within 7 days before the tournament, participate in a practice round or play any hole on the course designated for that tournament. If a team violates a provision of this subsection, the director of the tournament shall impose a penalty of 10 strokes against that team for the violation for the tournament. If a pupil violates a provision of this subsection, the director of the tournament shall impose a penalty of 2 strokes against that pupil for the violation for the tournament.~~

~~5. A school that hosts a state tournament for boys' golf shall not, within 7 days before the tournament, conduct a golf tournament on the course designated for the state tournament. A league or region shall not, during a season of boys' golf, host a league or regional tournament for boys' golf if the course designated for the league or regional tournament is the course designated for the state tournament for that season.~~

~~6.]~~ If the scores of a team that participates in a state tournament result in a tie score for the team for the tournament or for a round of golf played by the team during that tournament, the team shall break the tie in the manner specified by the Association.

~~[7.]~~ ***5.*** If approved by the owner or operator of the golf course where a state tournament is played, a spectator may enter the golf course to view the tournament in any area of the golf course designated by the owner or operator for that purpose.

~~[8. Each coach of a team that participates in a state tournament shall, at least 45 minutes before the tournament begins, meet with the director of the tournament and the coaches of the other teams that will participate in the tournament to discuss the rules and regulations for the tournament and to receive any instructions from the director of the tournament concerning the tournament. The meeting must be conducted at a location specified by the director of the tournament.~~

~~9.]~~ ***6.*** The director of a state tournament ~~[:~~

~~(a) Shall ensure that a scorer who is at least 18 years of age accompanies each group of participants in the tournament during any period in which the group participates in a round of golf for the tournament; and~~

~~(b) May]~~ ***may*** authorize a member of a team that participates in the tournament to use a pull cart during the tournament.

~~[10.]~~ ***7.*** Before a state tournament begins, the director of the tournament shall appoint a person to interpret the rules for the tournament. A decision made by a person appointed pursuant to this subsection relating to those rules is a final decision and may not be appealed.

Sec. 2. NAC 385B.456 is hereby amended to read as follows:

385B.456 1. The rules of golf established by the United States Golf Association or its successor organization govern the conduct of each state tournament for girls' golf.

2. Each team that participates in a state tournament for girls' golf must consist of ~~[five or six]~~ ***at least four*** members. Each state tournament for girls' golf must be:

(a) Completed in 2 days during which 36 holes are played; and

(b) Scored as 2 events consisting of 18 holes for each event.

3. Each league or regional tournament for girls' golf must be completed in not more than 2 days, as determined by:

(a) The league or region;

(b) The director of the tournament; and

(c) The Executive Director.

4. ~~[A team or a pupil who is a member of a team that participates in a state tournament for girls' golf shall not, within 7 days before the tournament, participate in a practice round or play any hole on the course designated for that tournament. If a team violates a provision of this subsection, the director of the tournament shall impose a penalty of 10 strokes against that team for the violation for the tournament. If a pupil violates a provision of this subsection, the director of the tournament shall impose a penalty of two strokes against that pupil for the violation for the tournament.~~

~~5. A school that hosts a state tournament for girls' golf shall not, within 7 days before the tournament, conduct a golf tournament on the course designated for the state tournament. A league or region shall not, during a season of girls' golf, host a league or regional tournament for girls' golf if the course designated for the league or regional tournament is the course designated for the state tournament for that season.~~

~~6.]~~ If the scores of a team that participates in a state tournament result in a tie score for the team for the tournament or for a round of golf played by the team during that tournament, the team shall break the tie in the manner specified by the Association.

~~[7.]~~ ***5.*** If approved by the owner or operator of the golf course where a state tournament is played, a spectator may enter the course to view the tournament in any area of the course that is designated by the owner or operator for that purpose.

~~[8. Each coach of a team that participates in a state tournament shall, at least 45 minutes before the tournament begins, meet with the director of the tournament and the coaches of the other teams that will participate in the tournament to discuss the rules and regulations of the tournament and to receive any instructions from the director of the tournament concerning the tournament. The meeting must be conducted at a location specified by the director of the tournament.~~

~~9.]~~ ***6.*** The director of a state tournament ~~[:~~

~~(a) Shall ensure that a scorer who is at least 18 years of age accompanies each group of participants in the tournament during any period in which the group participates in a round of golf for the tournament; and~~

~~(b)] May]~~ ***may*** authorize a member of a team that participates in the tournament to use a pull cart during the tournament.

~~[10.]~~ ***7.*** Before a state tournament begins, the director of the tournament shall appoint a person to interpret the rules for the tournament. A decision made by a person appointed pursuant to this subsection relating to those rules is a final decision and may not be appealed.

Sec. 3. NAC 385B.630 is hereby amended to read as follows:

385B.630 1. The Executive Director shall not schedule or conduct:

(a) A state tournament for a sanctioned sport for a Class 1A or 2A region unless:

(1) At least nine teams from the region participate in the region during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a state tournament is necessary for competitive balance within the region; or

(b) A regional tournament for a sanctioned sport for a Class 1A or 2A league unless:

(1) At least three teams from the league participate in the league during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a regional tournament is necessary for competitive balance within the league.

2. For the purpose of this section, a team that participates in a sanctioned sport specified in this subsection must consist of the following number of participants for that sanctioned sport, as determined by the roster of participants prepared by the Association for that purpose for the season for the sanctioned sport:

(a) Cross-country, not less than five participants;

(b) Golf, not less than ~~[five]~~ ***four*** participants;

(c) Tennis, not less than four participants;

(d) Track and field for boys or girls, not less than one participant in each of at least 14 events; and

(e) Wrestling, not less than one participant in each of at least seven weight classifications.

3. If, during a season for a sanctioned sport specified in subsection 2, the number of participants in the sanctioned sport falls below the number of participants required for the sanctioned sport pursuant to that subsection, the reduction in that number does not affect the status of the team for the season.

Sec. 4. NAC 385B.632 is hereby amended to read as follows:

385B.632 1. The Executive Director shall not schedule or conduct:

(a) A state tournament for a sanctioned sport for a Class 3A or 4A region unless:

(1) At least nine teams from the region participate in the sanctioned sport during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a state tournament is necessary for competitive balance within the region; or

(b) A regional tournament for a sanctioned sport for a Class 3A or 4A league unless:

(1) At least four teams from the league participate in a sanctioned sport during the season for the sanctioned sport; or

(2) The Executive Director or his or her designee determines that scheduling or conducting such a regional tournament is necessary for competitive balance within the league.

2. For the purposes of this section, a team that participates in a sanctioned sport specified in this subsection must consist of the following number of participants for that sanctioned sport, as determined by the roster of participants prepared by the Association for that purpose for the season for the sanctioned sport:

(a) Cross-country, not less than five participants;

(b) Golf, not less than ~~[five]~~ ***four*** participants;

(c) Tennis, not less than four participants;

(d) Track and field for boys or girls, not less than one participant in each of at least 14 events; and

(e) Wrestling, not less than one participant in each of at least seven weight classifications.

3. If, during a season for a sanctioned sport specified in subsection 2, the number of participants in the sanctioned sport falls below the number of participants required for the sanctioned sport pursuant to that subsection, the reduction in that number does not affect the status of the team for the season.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R059-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

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

   This regulation contains a revision to NAC 385B.452 and NAC 385B.456 regarding Boys and Girls Golf tournaments. The revisions to each regulation are identical and include a reduction of the number of participants necessary for a team to post a score from 6 participants to 4 participants. The NIAA revised the number of golfers a team must have to score as a team in a regional or state tournament due to the continued decrease and difficulty in finding golf courses willing to host high school tournaments. Qualifying standards have also increased thus allowing for a reduction in the total number of players necessary for a team score. Additionally, the prohibition against a team playing a practice round at a host tournament course has been eliminated again due to the difficulty in securing golf courses for these tournaments.

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.**

   Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, www.niaa.com, as well as https://notice.nv.gov; and were mailed to all county libraries in Nevada and posted at the following locations:

   Nevada Interscholastic
   Activities Association
   1188 Victorian Plaza Circle
   Sparks, NV 89431

   Washoe County School District
   425 East Ninth Street
   Reno, NV 89520

   Clark County School District
   5100 West Sahara Avenue
   Las Vegas, NV 89143

   Carson City School District
   1140 West King Street
   Carson City, NV 89703

   Elko County School District
   850 Elm Street
   Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "I." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
   - **(a) Attended each hearing: 0**
   - **(b) Testified at each hearing: 0**
   - **(c) Submitted to the agency written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**

   - **(a) Name;**
   - **(b) Telephone number;**
   - **(c) Business address;**
   - **(d) Business telephone number;**
   - **(e) Electronic mail address; and**
   - **(f) Name of entity or organization represented.**

   There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

   No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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 regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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

N/A

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.

N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 24th day of December, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

NOTICE OF INTENT TO ACT UPON A REGULATION
NRS 233B.0603

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, www.niaa.com. Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) This regulation revises NAC 385B.452 and NAC 385B.456 regarding Boys and Girls Golf tournaments. The revisions to each regulation are identical and include a reduction of the number of participants necessary for a team to post a score from 6 participants to 4 participants. The NIAA revised the number of golfers a team must have to score as a team in a regional or state tournament due to the continued decrease and difficulty in finding golf courses willing to host high school tournaments. Qualifying standards have also increased thus allowing for a reduction in the total number of players necessary for a team score. Additionally, the prohibition against a team playing a practice round at a host tournament course has been eliminated again due to the difficulty in securing golf courses for these tournaments.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available 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 http:\\www.leg.state.nv.us. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association
1188 Victorian Plaza Circle
Sparks, Nevada 89431

Clark County School District
5100 West Sahara Avenue

Las Vegas, Nevada 89143

Carson City School District
1140 West King Street
Carson City, Nevada 89703

Elko County School District
850 Elm Street
Elko, Nevada 89801
http://notice.nv.gov

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

www.niaa.com
https://notice.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 059-25

The following statement is submitted in accordance with NRS 233B.0608:

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.**

   The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

   N/A. See response to number one, above.

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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

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

   N/A. See response to number one, above.

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

   None.

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.**

   This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

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.**

N/A. See response to number one, above.

This is to 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 businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 16th day of December, 2025.

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

By: _____
Timothy Jackson
Executive Director

R060-25

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R060-25

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

AUTHORITY: §§ 1 and 2, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing state tournaments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association and requires the Association to adopt regulations governing interscholastic activities and events. (NRS 385B.050, 385B.060) Existing regulations set forth procedures governing state tournaments, including the replacement of a qualifying participant. (NAC 385B.606) **Section 1** of this regulation removes the requirement that the remaining team members advance one place when a qualifying participant is unable to participate.

Existing regulations also require a coach that intends to use an alternate member of a team to participate in a state tournament to notify the director of the tournament of that fact at least 24 hours before the tournament begins. (NAC 385B.606) **Section 1** requires the coach instead to notify the Executive Director of the Association or a designee thereof by the date prescribed in the manual for the tournament. **Section 2** of this regulation requires the manual for the tournament that is required to be prepared by the Association in existing regulations to include that date. (NAC 385B.616)

Section 1. NAC 385B.606 is hereby amended to read as follows:

385B.606 1. If a pupil, after qualifying to participate in a state tournament, is unable to participate in that tournament because of an illness or injury that is verified by a physician or because of academic ineligibility or any other justifiable cause ~~[~~:

~~(a) The~~] ***, the*** pupil who is the next best qualifier in the tournament ~~[for the school]~~ may participate in the tournament ***.*** ~~[; and~~

~~(b) Each member of the team may advance one place. If a participant who is in the lowest place is not available to advance to the next highest place, the lowest place must remain unfilled for the school during the tournament.]~~

2. If a coach intends to use an alternate member of a team to participate in a state tournament, the coach shall notify the ~~[director of the tournament]~~ ***Executive Director or a designee thereof*** of that fact ~~[at least 24 hours before the tournament begins.]~~ ***by the date specified for such notification in the manual for the tournament prepared pursuant to NAC 385B.616.***

Sec. 2. NAC 385B.616 is hereby amended to read as follows:

385B.616 ***1.*** The Association will set forth in a manual prepared by the Association for that purpose the format for each tournament for a sanctioned sport for each class established pursuant to NAC 385B.250. Each format included in the manual must be:

~~[1.]~~ ***(a)*** Established by:

~~[(a)]~~ ***(1)*** The realignment committee appointed pursuant to NAC 385B.250; and

~~[(b)]~~ ***(2)*** Each league for the sanctioned sport established pursuant to NAC 385B.250; and

~~[2.]~~ ***(b)*** Approved by the Board.

2. The manual must prescribe the date by which a coach must provide the notification described in subsection 2 of NAC 385B.606.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R060-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

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

   This regulation contains revisions to NAC 385B.606 and NAC 385B.616 regarding the method for replacing a pupil who qualifies for a state tournament, but who is thereafter unable to compete in that tournament. The prior regulation allowed the school of the pupil who could not participate to replace that pupil with another pupil. The revision now allows the next best finishing pupil, regardless of school, to be the pupil who replaces the pupil who cannot participate. This ensures the best student athletes be allowed to participate in a state tournament. The regulation also requires the coach of the pupil who is determined to be the next best qualifier to notify the Executive Director or designee of the intent to use the alternate pupil by the date specified in the tournament manual. A corresponding revision to NAC 385B.616 regarding tournament manuals has been included to ensure a date for notifying of the use of an alternate pupil is specified in the tournament manual.

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.**

   Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, www.niaa.com, as well as https://notice.nv.gov; and were mailed to all county libraries in Nevada and posted at the following locations:

   Nevada Interscholastic
   Activities Association
   1188 Victorian Plaza Circle
   Sparks, NV 89431

   Washoe County School District
   425 East Ninth Street
   Reno, NV 89520

   Clark County School District
   5100 West Sahara Avenue
   Las Vegas, NV 89143

   Carson City School District
   1140 West King Street
   Carson City, NV 89703

   Elko County School District
   850 Elm Street
   Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "I." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
   - **(a) Attended each hearing: 0**
   - **(b) Testified at each hearing: 0**
   - **(c) Submitted to the agency written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**

   - **(a) Name;**
   - **(b) Telephone number;**
   - **(c) Business address;**
   - **(d) Business telephone number;**
   - **(e) Electronic mail address; and**
   - **(f) Name of entity or organization represented.**

   There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

   No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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 regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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

N/A

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.

N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 24th day of December, 2025.

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

By: _____

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

NOTICE OF INTENT TO ACT UPON A REGULATION
NRS 233B.0603

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, www.niaa.com. Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) This regulation revises NAC 385B.606 and NAC 385B.616 regarding the method for replacing a pupil who qualifies for a state tournament, but who is thereafter unable to compete in that tournament. The prior regulation allowed the school of the pupil who could not participate to replace that pupil with another pupil. The revision now allows the next best finishing pupil, regardless of school, to be the pupil who replaces the pupil who cannot participate. This ensures the best student athletes be allowed to participate in a state tournament. The regulation also requires the coach of the pupil who is determined to be the next best qualifier to notify the Executive Director or designee of the intent to use the alternate pupil by the date specified in the tournament manual. A corresponding revision to NAC 385B.616 regarding tournament manuals has been included to ensure a date for notifying of the use of an alternate pupil is specified in the tournament manual.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available 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 http:\\www.leg.state.nv.us. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association
1188 Victorian Plaza Circle
Sparks, Nevada 89431

Clark County School District

5100 West Sahara Avenue
Las Vegas, Nevada 89143

Carson City School District
1140 West King Street
Carson City, Nevada 89703

Elko County School District
850 Elm Street
Elko, Nevada 89801
http://notice.nv.gov

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

www.niaa.com
https://notice.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 060-25

The following statement is submitted in accordance with NRS 233B.0608:

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.**

   The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

   N/A. See response to number one, above.

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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

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

   N/A. See response to number one, above.

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

   None.

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.**

   This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

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.**

N/A. See response to number one, above.

This is to 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 businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 16th day of December, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Timothy Jackson
Executive Director

R062-25

ADOPTED REGULATION OF THE

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R062-25

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

AUTHORITY: §§ 1-9, NRS 385B.060.

A REGULATION relating to interscholastic activities; requiring schools to report to the Nevada Interscholastic Activities Association the results of a game, contest or meet for certain sports within a certain period; designating lacrosse as a sanctioned sport for boys and for girls and providing requirements governing the conduct of lacrosse games; designating wrestling as a sanctioned sport for girls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association and requires the Association to adopt regulations governing interscholastic athletic and other events. (NRS 385B.050, 385B.060) **Section 2** of this regulation requires a school to report the results of a game, contest or meet for certain sports to the Association within 24 hours after the completion of the game, contest or meet. Existing regulations authorize the Association to impose certain penalties for a violation of the regulations adopted by the Association concerning interscholastic events, including, without limitation, the imposition of fines and issuance of sanctions. (NAC 385B.960) **Section 2** also provides that a school that fails to comply with the requirement to report the result of certain games, contests or meets to the Association is subject to such penalties.

Existing regulations designate certain sanctioned sports for boys and for girls. (NAC 385B.390) **Section 7** of this regulation designates lacrosse as a sanctioned sport for boys and for girls and also designates wrestling as a sanctioned sport for girls.

Section 3 of this regulation provides certain limitations on a team that participates in lacrosse as a sanctioned sport in scrimmages and games. **Section 4** of this regulation requires the Board, after aligning a school that participates in lacrosse as a sanctioned sport within a league, to include the alignment in a manual prepared for that purpose by the Association. **Section 5** of this regulation requires that jerseys of a certain color be worn by each pupil who participates in a lacrosse game.

Existing regulations limit the number of contests in a sanctioned sport in which a school or pupil enrolled in a school may participate. (NAC 385B.378) **Section 6** of this regulation limits

the number of contests in lacrosse in which a school or a pupil enrolled in a school may participate to 18 lacrosse games and 2 tournaments for lacrosse, subject to certain exceptions.

Existing regulations require the Executive Director of the Association to award a state trophy to certain contestants in each sanctioned sport and state medals in certain circumstances. (NAC 385B.652) **Section 8** of this regulation requires the Executive Director to award state medals to each member of the championship team of lacrosse.

Existing regulations require a non-association official, before engaging in any activity as a sports official for a sanctioned sport, to register with the Association by submitting an application for registration before certain deadlines. (NAC 385B.852) For submission of such an application to register for lacrosse, **section 9** of this regulation establishes a deadline of February 15 of the year in which the applicant wishes to register with the Association for lacrosse.

Section 1. Chapter 385B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. ***1. Within 24 hours after the completion of a game, contest or meet for a sport, a school shall submit a report of the results of the game, contest or meet to the Association on a form prescribed by the Association.***

2. A school that fails to comply with subsection 1 is subject to the penalties set forth in NAC 385B.960.

3. As used in this section, "sport" means:

(a) For boys:

(1) Baseball;

(2) Basketball;

(3) Bowling;

(4) Football;

(5) Lacrosse;

(6) Soccer;

(7) Tennis; and

(8) Volleyball; and

(b) For girls:

(1) Basketball;

(2) Bowling;

(3) Flag football;

(4) Lacrosse;

(5) Soccer;

(6) Softball;

(7) Tennis; and

(8) Volleyball.

Sec. 3. *1. Except as otherwise provided in NAC 385B.371, a school shall not, after completion of the state tournament for lacrosse for that season, organize a lacrosse team or conduct a practice for the team until the date established by the Board for the beginning of practice for the next lacrosse season.*

2. A team that participates in lacrosse as a sanctioned sport may not participate in more than two interschool lacrosse scrimmages during the period beginning on or after the date established by the Board for the season in which the scrimmage is played and ending on the first day of that season. The team shall not participate in a lacrosse scrimmage after it participates in the first lacrosse game for that season. As used in this subsection, "scrimmage" means a practice lacrosse game in which:

(a) The score is not kept;

(b) Unpaid sports officials are used;

(c) The period of play is divided into a number of equal segments with running time kept; and

(d) Spectators are not encouraged to attend.

3. A team specified in subsection 1 shall not participate in more than two lacrosse games during a day.

4. If a team specified in subsection 2 participates in a lacrosse game between the team and an alumni association for the school or a similarly organized group, the school shall include that game in the total number of games in which the team may participate pursuant to NAC 385B.378.

Sec. 4. *1. As soon as practicable after aligning a school that participates in lacrosse as a sanctioned sport within a league pursuant to NAC 385B.250, the Board shall include that alignment in a manual prepared by the Association for that purpose.*

2. The championship team for each class established pursuant to NAC 385B.250 must be determined in the manner specified by the Board.

Sec. 5. *Each pupil who participates in a lacrosse game shall, if the game:*

1. Is conducted at the school where the pupil is enrolled, wear a light-colored jersey during the game; or

2. Is not conducted at the school where the pupil is enrolled, wear a dark-colored jersey during the game.

Sec. 6. NAC 385B.378 is hereby amended to read as follows:

385B.378 1. Except as otherwise provided in subsection 2, a school or a pupil enrolled in a school who participates in a sanctioned sport shall not, during the season for the sanctioned sport, participate in more than:

(a) For the fall season:

(1) Fourteen cross-country meets;

(2) Except as otherwise provided in subsection 4 of NAC 385B.434, nine football games;

(3) Sixteen matches for girls' golf;

(4) Except as otherwise provided in subsection 4 of NAC 385B.458, eighteen soccer games and two tournaments for soccer;

(5) Eighteen tennis matches; or

(6) Eighteen matches for girls' volleyball and two tournaments for girls' volleyball.

(b) For the winter season:

(1) Eighteen basketball games and two tournaments for basketball;

(2) Eighteen bowling competitions and two tournaments for bowling;

(3) Eighteen flag football games and two tournaments for flag football;

(4) Fourteen ski races; or

(5) Fifteen wrestling contacts or meets.

(c) For the spring season:

(1) Twenty-one baseball games and two tournaments for baseball;

(2) Sixteen matches for boys' golf;

(3) ***Eighteen lacrosse games and two tournaments for lacrosse;***

(4) Twenty-one softball games and two tournaments for softball;

~~[(4)]~~ ***(5)*** Twelve swim meets;

~~[(5)]~~ ***(6)*** Fourteen track and field meets; or

~~[(6)]~~ ***(7)*** Eighteen matches for boys' volleyball and two tournaments for boys' volleyball.

2. For each sanctioned sport specified in subsection 1, the Executive Director may exempt from the provisions of this section not more than one contact, game, match or meet for the sanctioned sport that is conducted against a school that is placed on independent status pursuant to NAC 385B.202.

3. If a school or a pupil representing a school participates in a sanctioned sport in a contact, game, match or meet:

(a) Between the school or pupil and an alumni association for the school or a similarly organized group, the school shall include that contact, game, match or meet in the total number of contests in which the school or pupil is allowed to participate in that sport pursuant to subsection 1.

(b) Conducted for a charitable purpose, the school shall include that contact, game, match or meet in the total number of contests in which the school or pupil is allowed to participate in that sport pursuant to subsection 1.

Sec. 7. NAC 385B.390 is hereby amended to read as follows:

385B.390 1. Except as otherwise provided in subsection 2, the Association hereby designates each of the following sports as a sanctioned sport:

(a) For boys:

(1) Baseball;

(2) Basketball;

(3) Bowling;

(4) Cross-country;

(5) Football;

(6) Golf;

(7) ***Lacrosse;***

(8) Skiing ~~[~~:

~~(8)]~~ ***;***

(9) Soccer;

~~[(9)]~~ ***(10)*** Swimming and diving;

~~[(10)]~~ ***(11)*** Tennis;

~~[(11)]~~ ***(12)*** Track and field;

~~[(12)]~~ ***(13)*** Volleyball; and

~~[(13)]~~ ***(14)*** Wrestling; and

(b) For girls:

(1) Basketball;

(2) Bowling;

(3) Cross-country;

(4) Flag football;

(5) Golf;

(6) ***Lacrosse;***

(7) Skiing;

~~[(7)]~~ ***(8)*** Soccer;

~~[(8)]~~ ***(9)*** Softball;

~~[(9)]~~ ***(10)*** Swimming and diving;

~~[(10)]~~ ***(11)*** Tennis;

~~[(11)]~~ ***(12)*** Track and field; ~~[and~~

~~(12)]~~ ***(13)*** Volleyball ~~[.]~~ ***; and***

(14) Wrestling.

2. Except as otherwise provided in subsection 3, the Board may amend the list set forth in subsection 1. If the Board determines that the number of schools participating in a sanctioned sport is insufficient, the Board may take such action as is required to provide for the sponsorship of the sanctioned sport by a school.

3. The Board shall not approve boxing as a sanctioned sport.

Sec. 8. NAC 385B.652 is hereby amended to read as follows:

385B.652 1. The Executive Director shall award a state trophy to each state champion and each second place contestant in each sanctioned sport.

2. The Executive Director shall award state medals as follows:

(a) For the fall season:

(1) Cross-country, to each member of the championship team, in addition to the first seven places.

(2) Girls' golf, to each member of the championship team, in addition to the first five places.

(3) Football, to each member of the championship team.

(4) Soccer, to each member of the championship team.

(5) Tennis, to each member of the championship team, in addition to the first four places in singles and doubles competition.

(6) Girls' volleyball, to each member of the championship team.

(b) For the winter season:

(1) Bowling, to each member of the championship team.

(2) Basketball, to each member of the championship team.

(3) Skiing, to each member of the championship team.

(4) Wrestling, to the first four places in each weight classification for an ~~[8-man]~~ ***8-person*** bracket or the first six places in each weight classification for a ~~[16-man]~~ ***16-person*** bracket.

(c) For the spring season:

(1) Baseball, to each member of the championship team.

(2) Boys' golf, to each member of the championship team, in addition to the first five places.

(3) ***Lacrosse, to each member of the championship team.***

(4) Softball, to each member of the championship team.

~~[(4)]~~ ***(5)*** Swimming and diving, to the first four places in each event.

~~[(5)]~~ ***(6)*** Track and field, to the first four places in each event.

~~[(6)]~~ ***(7)*** Boys' volleyball, to each member of the championship team.

3. If a state tournament for the championship in a sanctioned sport results in a tie score for the state tournament, the Executive Director shall award a trophy and medal to each team with a tie score for the state tournament.

4. A member school may purchase additional medals from any person who has contracted with the Association to provide medals to the Association.

Sec. 9. NAC 385B.852 is hereby amended to read as follows:

385B.852 1. Each non-association official must, before engaging in any activity as a sports official for a sanctioned sport, register with the Association in accordance with this section.

2. A non-association official may register with the Association by submitting to the Association an application for registration on a form approved by the Association. The application must be:

(a) Submitted not later than:

(1) August 15 of the year in which the applicant wishes to register with the Association, if the sanctioned sport for which he or she is registering is football, soccer or girls' volleyball;

(2) November 1 of the year in which the applicant wishes to register with the Association, if the sanctioned sport for which he or she is registering is basketball or wrestling; or

(3) February 15 of the year in which the applicant wishes to register with the Association, if the sanctioned sport for which he or she is registering is baseball, ***lacrosse,*** softball, swimming and diving, or track and field; and

(b) Accompanied by the fee prescribed by the Association.

3. If a non-association official completes an examination to become a sports official, he or she must submit the results of that examination to the Association within 2 weeks after receiving the results of that examination.

4. The Association will not approve an application for registration pursuant to this section unless the applicant obtains a score of at least 70 percent on each portion of the examination specified in subsection 3 that relates to the rules for the sanctioned sport for which the applicant wishes to register.

5. The Commissioner shall assign a non-association official to officiate a game, contest or meet for a sanctioned sport.

6. In assigning a non-association official to a game, contest or meet pursuant to subsection 5, the Commissioner shall consider the costs, if any, for the non-association official to travel to the game, contest or meet.

7. If a school wishes to use a non-association official during a season or any portion of a season for a sanctioned sport, the school shall, before the season begins, provide a written notice of that fact to the Commissioner.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R062-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association ("NIAA"). This regulation requires schools with teams that compete in sports where league standings are kept to report game, match and contest scores promptly to the NIAA to ensure accurate and timely standings can be kept. Failure to comply with this requirement can result in penalties being administered against the offending school as provided in NAC 385B.960.

The remainder of this regulation addresses the addition of Boys and Girls Lacrosse as a sanctioned sport offered by the NIAA and will be included in a new regulation within Chapter 385B of the NAC. These regulations mirror existing regulations that impose requirements for other team sports including the season in which Lacrosse can be played, prohibition against play out-of-season, the allowance of two preseason scrimmages, the number of Lacrosse games that can be played in a day, the inclusion of an alumni game toward the total number of games allowed in a season, alignment of schools into leagues and format for determining a state champion, and the determination of team jersey color for home and away games. Several existing regulations require revision to include Lacrosse including NAC 385B.378 regarding season of play (spring) and game limits (18), NAC 385B.390 recognizing Lacrosse as a sanctioned sport, NAC 385B. 652 regarding state championship trophies, and NAC 385B.852 regarding registration of sports officials for Lacrosse.

There are additional revisions to NAC 385B.390(1)(b) which recognizes Girls Wrestling as a NIAA sanctioned sport, and NAC 385B.652(2)(b) regarding the awarding of medals to state qualifiers in Girls Wrestling.

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.**

Copies of the proposed regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA's office, www.niaa.com, as well as https://notice.nv.gov; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "I." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
   - **(a) Attended each hearing: 0**
   - **(b) Testified at each hearing: 0**
   - **(c) Submitted to the agency written comments: 0**

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
   - **(a) Name;**
   - **(b) Telephone number;**
   - **(c) Business address;**
   - **(d) Business telephone number;**
   - **(e) Electronic mail address; and**
   - **(f) Name of entity or organization represented.**

   There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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 regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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:

   This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

   (b) Both immediate and long-term effects:

   This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

   There is no additional cost to the agency for enforcement of this regulation.

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.**

   There are no other state or government agency regulations that the proposed amendments duplicate.

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

    N/A

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.**

    N/A

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 24th day of December, 2025.

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

By: _____

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

NOTICE OF INTENT TO ACT UPON A REGULATION
NRS 233B.0603

The Nevada Interscholastic Activities Association ("NIAA") will hold a public hearing starting at 1:00 p.m. on September 23, 2025, in conjunction with its regularly scheduled Board of Control meeting which is being conducted virtually with Board members participating remotely and members of the public appearing by live stream through a YouTube link as well as the NIAA website, www.niaa.com. Members of the public have been provided the opportunity to address the regulation through the virtual link. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of an amendment to a Regulation that pertains to Chapter 385B of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of this amendment to Regulation is needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) This regulation requires schools with teams that compete in sports where league standings are kept to report game, match and contest scores promptly to the NIAA to ensure accurate and timely standings can be kept. Failure to comply with this requirement can result in penalties being administered against the offending school as provided in NAC 385B.960.

(b) The remainder of this regulation addresses the addition of Boys and Girls Lacrosse as a sanctioned sport offered by the NIAA and will be included in a new regulation within Chapter 385B of the NAC. These regulations mirror existing regulations that impose requirements for other team sports including the season in which Lacrosse can be played, prohibition against play out-of-season, the allowance of two preseason scrimmages, the number of Lacrosse games that can be played in a day, the inclusion of an alumni game toward the total number of games allowed in a season, alignment of schools into leagues and format for determining a state champion, and the determination of team jersey color for home and away games. Several existing regulations require revision to include Lacrosse including NAC 385B.378 regarding season of play (spring) and game limits (18), NAC 385B.390 recognizing Lacrosse as a sanctioned sport, NAC 385B. 652 regarding state championship trophies, and NAC 385B.852 regarding registration of sports officials for Lacrosse.

(c) There are additional revisions to NAC 385B.390(1)(b) which recognizes Girls Wrestling as a NIAA sanctioned sport, and NAC 385B.652(2)(b) regarding the awarding of medals to state qualifiers in Girls Wrestling.

3(a). The economic effect of the amendment of this amendment to Regulation on high school athletics will be minimal.

(b). The immediate and long-term effects of this amendment to Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed amendment to Regulation are minimal.

5. This amendment to Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this amendment to Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish an increase in fees paid by member schools of the NIAA for governance of the NIAA.

People wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Timothy Jackson, Executive Director, Nevada Interscholastic Activities Association, 1188 Victorian Plaza Circle, Sparks, Nevada 89431. Written submissions must be received by the NIAA on or before September 19, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the amendment to Regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 1188 Victorian Plaza Circle, Sparks, Nevada 89431, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available 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 http:\\www.leg.state.nv.us. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the

principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before August 22, 2025:

Office of the Nevada Interscholastic Activities Association
1188 Victorian Plaza Circle
Sparks, Nevada 89431

Clark County School District
5100 West Sahara Avenue
Las Vegas, Nevada 89143

Carson City School District
1140 West King Street
Carson City, Nevada 89703

Elko County School District
850 Elm Street
Elko, Nevada 89801
http://notice.nv.gov

Washoe County School District
425 East Ninth Street
Reno, Nevada 89520

www.niaa.com
https://notice.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 062-25

The following statement is submitted in accordance with NRS 233B.0608:

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.**

   The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

   N/A. See response to number one, above.

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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

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

   N/A. See response to number one, above.

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

   None.

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.**

   This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

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.**

N/A. See response to number one, above.

This is to 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 businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 16th day of December, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Timothy Jackson
Executive Director

ADOPTED REGULATION OF

THE STATE BOARD OF NURSING

LCB File No. R087-25

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

AUTHORITY: §§ 1-5, NRS 632.120, as amended by section 70 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at page 1634.

A REGULATION relating to nursing; authorizing the delegation of clinical tasks to medical assistants under certain conditions; authorizing the remote supervision of medical assistants under certain conditions; prohibiting a delegating practitioner from taking certain actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to adopt regulations establishing requirements governing the supervision of a medical assistant. (NRS 632.120, as amended by section 70 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at page 1634) **Section 2** of this regulation defines the term "delegating practitioner" to mean a registered nurse who delegates a clinical task to a medical assistant. **Section 3** of this regulation prescribes the conditions under which a delegating practitioner may delegate a clinical task to a medical assistant. **Section 3** also requires the employer of a medical assistant to document in the employment record of a medical assistant that the medical assistant is properly trained and competent to perform a delegated clinical task. **Section 3** additionally requires that a delegating practitioner be available to immediately supervise a medical assistant's performance if the clinical task involves an invasive procedure. Finally, **section 3** prohibits a medical assistant from making a diagnosis, initiating any treatment or prescribing any drug.

Section 4 of this regulation authorizes a delegating practitioner to remotely supervise a medical assistant if the patient is located in a rural area and certain other conditions are met.

Section 5 of this regulation provides that a delegating practitioner is responsible for the safety and performance of a clinical task by a medical assistant. **Section 5** also prohibits a delegating practitioner from taking certain actions when delegating a clinical task to a medical assistant.

Section 1. Chapter 632 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, "delegating practitioner" means a registered nurse, including, without limitation, an advanced practice registered nurse, who delegates the performance of a clinical task to a medical assistant pursuant to sections 2 to 5, inclusive, of this regulation.*

Sec. 3. *1. Except as otherwise provided in this section, a delegating practitioner may delegate the performance of a clinical task to a medical assistant if:*

(a) The delegating practitioner knows that the medical assistant possesses the knowledge, skill and training to perform the clinical task safely and properly;

(b) The medical assistant is not required to be certified or licensed to perform the clinical task;

(c) The medical assistant is employed by the delegating practitioner or the medical assistant and the delegating practitioner are employed by the same employer; and

(d) The employer of the medical assistant has complied with the requirements of subsection 2 as they relate to the clinical task.

2. The employer of a medical assistant shall document in the employment record of the medical assistant that the medical assistant has been appropriately trained and is competent to perform any clinical task or procedure delegated to the medical assistant.

3. Except as otherwise provided in section 4 of this regulation, if a delegating practitioner delegates to a medical assistant a clinical task which involves an invasive procedure, the delegating practitioner must be immediately available to exercise oversight in person while the medical assistant performs the clinical task.

4. A medical assistant shall not make a diagnosis, initiate any treatment or prescribe any drug.

Sec. 4. *1. A delegating practitioner may supervise remotely a medical assistant to whom the delegating practitioner has delegated the performance of a task if:*

(a) The patient is located in a rural area;

(b) The delegating practitioner is physically located a significant distance from the location where the task is to be performed;

(c) The delegating practitioner determines that the exigent needs of the patient require immediate attention;

(d) The patient and the delegating practitioner previously established a practitioner-patient relationship; and

(e) The delegating practitioner is immediately available by telephone or other means of instant communication during the performance of the task by the medical assistant.

2. As used in this section, "rural area" means any area in this State other than Carson City, Henderson, Reno, Sparks, Las Vegas or North Las Vegas.

Sec. 5. *A delegating practitioner retains responsibility for the safety and performance of each clinical task which is delegated to a medical assistant. A delegating practitioner shall not:*

1. Delegate a clinical task that is not within the authority, training, expertise or normal scope of practice of the delegating practitioner;

2. Transfer to another registered nurse the responsibility of supervising a medical assistant during the performance of a clinical task unless the registered nurse knowingly accepts that responsibility;

3. Authorize or allow a medical assistant to delegate the performance of a clinical task delegated to the medical assistant to any other person; or

4. Delegate or otherwise allow a medical assistant to administer an anesthetic agent which renders a patient unconscious or semiconscious.

NEVADA STATE BOARD OF NURSING
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE R087-25

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

   This regulation is necessary following the enactment of Assembly Bill 319 at the 2025 Nevada Legislative Session to provide guidance to Advanced Practice Registered Nurses and Registered Nurses in the delegation and/or supervision of Medical Assistants.

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.**

   Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail and email to all persons on the Board's email list for noticing of administrative regulations; By email for posting by the Nevada State Library, Archives and Public Records Administrator; By email for posting by the Nevada Legislature; By email for posting by the Nevada Legislative Counsel Bureau; Publishing to the Nevada Legislature website: https://leg.state.nv.us/; Publishing to the Nevada State Board of Nursing website: https://nevadanursingboard.org; and Publishing to the State of Nevada Public Notice website: https://notice .nv.gov/. These documents were also made available at the offices of the Nevada State Board of Nursing at:

   Nevada State Board of Nursing
   6005 Plumas Street
   Suite 100
   Reno, NV 89509

   Nevada State Board of Nursing
   5820 S. Eastern Ave.
   Suite 200
   Las Vegas, NV 89119

   A summary of the public response would be mixed. Nevada Hospitals' comments were in favor of the regulation and labor unions were in opposition to the regulation. Specifically, two Unions: National Nurses Organizing Committee - National Nurses United and Service Employees International Union provided comments in opposition to all or parts of the regulation. Representatives from two Nevada Hospitals and the Nevada Hospital Association provided comments in support of the regulation. One individual, who serves on the Nevada Advanced Practice Nurses Association and also in a Union role provided comments in support of the regulation.

   Interested persons may obtain a copy of the summary of the public comments by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation, or look at any of the written minutes of the meetings, workshops, and hearings on the regulation.

3. **The number of person who:**

(a) Attended each hearing:

November 4, 2025 – 19 persons attended the workshop
January 14, 2026 – 32 persons attended the hearing

(b) Testified at each hearing:

November 4, 2025 – 3 persons testified at the workshop
January 14, 2026 – 10 persons testified at the hearing

(c) Submitted to the agency written comments: The following written comments were submitted.

On November 4, 2025, the Nevada State Board of Nursing conducted a workshop on LCB File No. R987-25. The National Nurses Organizing Committee - National Nurses United submitted one email with comments and two written comments.

On January 14, 2026, the Nevada State Board of Nursing conducted a hearing on LCB File No. R87-25. Three written comments were received.

Jonlyn Miller from National Nurses Organizing Committee - National Nurses United provided verbal comments and submitted written comments.

Chelsey Booker from National Nurses United – Nevada provided verbal comments and submitted written comments.

Nevada Advanced Practice Nurses Association submitted written comments.

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.**

The Hearing was held as an agenda item during the Nevada State Board of Nursing's January 2026 Board meeting. Appearance at the Board meeting and therefore the Hearing was possible by in person attendance and also by virtual means. This means that it is almost impossible to determine who is attending the hearing if the person mutes their microphone and turns off their camera. Then, if a person wishes to make a verbal statement, that person unmutes their microphone and makes the statement. Only then, can it be determined who that person is, and what kind of statement will be made. Telephone numbers and email addresses are not required to attend the open meeting and are rarely provided.

Here are the people that provided positive comments on the regulation:

Melodie Osborn, Chief Nurse Executive, Renown Health
Keri Piper Colonna, Administrative Director Clinical, Renown Health
Janelle Hoover, Chief Nursing Officer, Carson Tahoe Health

Jeanine Packham, member Nevada Advanced Practice Nurses Association, President of the American Federation of Government Employees – AFGE Local 2152
Natasha Lukasiewich, Director of Workforce & Clinical Services, Nevada Hospital Association
Amy Booth, APRN, Cardiology Lab, Renown Health

Here are the people that provided comments in opposition to all or parts of the regulation:
Jonlyn Miller, Lead Nursing Practice and Policy Specialist, National Nurses Organizing Committee Nevada – National Nurses United
Jody Domineck, Secretary and Treasurer, Service Employees International Union, SEIU 1107
Natalia Jordan, Political Director, Service Employees International Union, SEIU 1107
Chelsey Booker, Registered Nurse, National Nurses United - Nevada

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.**

Public comments were received from businesses that might be impacted by the new Nevada Revised Statute that would allow Advanced Practice Registered Nurses and Registered Nurses to supervise Medication Assistants. Public Comments were solicited from health care facilities in the same way that comments were solicited from the general public.

Interested persons may obtain a copy of the summary of the public comments sought from businesses by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation, or look at any of the written minutes of the meetings, workshops, and hearings on the regulation.

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 original language approved by the Board was submitted to the Legislative Counsel Bureau. Although refined by the Legislative Counsel Bureau, the language did not materially change the meaning and intent of the original language. Therefore, the Board adopted it without change.

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 on the businesses which it is to regulate.

Adverse Effects
The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on businesses it is to regulate. Comments were provided about public safety and the impact on an individual nursing license, but overall the effects would not be an impact on businesses.

Beneficial Effects
The beneficial effects of this regulation on businesses it is to regulate will be that perhaps businesses that employ Advanced Practice Registered Nurses and Registered Nurses may hire more Medical Assistants now that supervision and delegation may occur.

Both adverse and beneficial effects on the public.

Adverse Effects
The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on the public. The comments balanced between those comments supporting greater access to healthcare and those comments that claimed the delegation would be negative to nursing licensure.

Beneficial Effects
The beneficial effects of this regulation on the public will be that perhaps businesses that employ Advanced Practice Registered Nurses and Registered Nurses may hire more Medical Assistants now that supervision and delegation may occur.

(b) Both immediate and long-term effects on the businesses which it is to regulate.

Immediate Effects
The Immediate Effects of the regulation would be is to protect public health through the addition of health care providers that can be part of the health care team with the new ability to receive delegated tasks.

Long-Term Effects
The long-term effects would be the same as the Immediate Effects of the regulation.

Both immediate and long-term effects on the public.

Immediate Effects
The Immediate Effects of the regulation on the public would be the additional hiring of additional health care providers that can be part of the health care team with the new ability to receive delegated tasks.

Long-Term Effects
The long-term effects would be the same as the Immediate Effects of the regulation.

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

   There is no additional cost to the Nevada State Board of Nursing for enforcement of this regulation.

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.**

   There are no other state or government agency regulations that the proposed regulation duplicates.

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

    There are no federal regulations that apply.

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.

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

CATHY DINAUER
Executive Director

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS

NEVADA STATE BOARD OF NURSING

Small Business Impact Statement

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

LCB File R087-25

The following information is provided pursuant to NRS 233B.0609.

1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) 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 parties may obtain a copy of the summary. NRS 233B.0609(1)(a).

The Nevada Legislature passed Assembly Bill 319 passed during the 2025 Nevada Legislative Session. AB 319 allows Advanced Practice Registered Nurses (APRN) and Registered Nurses (RN) to supervise Medical Assistants (MA). Specifically, AB 319 allows MAs to perform clinical tasks under the supervision of APRNs and RNs. AB 319 changed the possibilities involving supervision between healthcare providers. There is nothing in AB 319 that involves small businesses.

(b) The manner in which the analysis was conducted. NRS 233B.0609(1)(b).

This regulation is offered to align NAC chapter 632 with AB 319. There was no analysis for impacts on small businesses during the legislative process. The proposed regulation changed the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: NRS 233B.0609(1)(c).

(1) Both adverse and beneficial effects: and

Adverse: It is anticipated this regulation will have no adverse effects on Nevada small businesses.

Beneficial: It is anticipated this regulation will be beneficial to small businesses in Nevada.

(2) Both direct and indirect effects

Direct: It is anticipated this regulation will be a direct beneficial effect on small businesses.

Indirect: It is anticipated this regulation will have a beneficial indirect effect on small businesses.

(d) 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. NRS 233B.0909(1)(d).

This regulation is offered to align NAC chapter 632 with AB 319. The proposed regulation changes the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

(e) The estimated cost to the agency for enforcement of the proposed regulation. NRS 233B.0909(1)(e).

The regulation will not create any additional requirements or costs for Board staff to enforce the regulation.

(f) 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. NRS 233B.0909(1)(f).

This regulation will have no impact on fees.

(g) 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. NRS 233B.0909(1)(g).

This regulation does not duplicate any existing federal, state, or local standards.

(h) The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses NRS 233B.0609(1)(h)

This regulation is offered to align NAC chapter 632 with AB 319. The proposed regulation changes the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

I, Cathy Dinauer, Executive Director of the Nevada State Board of Nursing, hereby 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 businesses and that this statement was prepared properly, and the information contained herein is accurate. NRS 233B.0609(2)

Dated: December 11, 2025

Cathy Dinauer, MSN, RN
Executive Director
Nevada State Board of Nursing

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R088-25

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.269921; § 2, NRS 293.124, 293.247 and 293C.26321.

A REGULATION relating to elections; setting forth certain requirements for determining the date of the postmark on return envelopes for mail ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, if a mail ballot is returned by mail to the county or city clerk, in order for the mail ballot to be counted, the mail ballot must be: (1) postmarked on or before the day of the election; and (2) received by the clerk not later than 5 p.m. on the fourth day following the election. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, under existing law, the mail ballot shall be deemed to have been postmarked on or before the day of the election. (NRS 293.269921, 293C.26321) **Sections 1 and 2** of this regulation provide that for the purposes of determining whether a mail ballot is postmarked on or before the day of the election, the county or city clerk, as applicable, shall identify the date on which the mail ballot was mailed to the county or city clerk by reading on the return envelope: (1) the physical postmark applied by the United States Postal Service; or (2) information from a barcode or similar marking used by the United States Postal Service. **Sections 1 and 2** further provide that if the county or city clerk cannot determine whether a mail ballot is postmarked on or before the day of the election by reading such information but the mail ballot is received by the county or city clerk, as applicable, not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of determining whether a mail ballot is postmarked on or before the day of the election, as required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 293.269921, the county clerk shall identify the date on which the mail ballot was mailed to the county clerk by reading on the return envelope:

(a) The physical postmark applied by the United States Postal Service; or

(b) Information from a barcode or similar marking used by the United States Postal Service,

➥ that indicates the date on which the United States Postal Service came into official possession of the return envelope.

2. If the county clerk cannot determine whether a mail ballot is postmarked on or before the day of the election but the mail ballot is received by the county clerk not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed pursuant to subsection 2 of NRS 293.269921 to have been postmarked on or before the day of the election and may not be rejected solely on the ground that the postmark is illegible, incomplete or otherwise absent.

Sec. 2. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of determining whether a mail ballot is postmarked on or before the day of the election, as required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 293C.26321, the city clerk shall identify the date on which the mail ballot was mailed to the city clerk by reading on the return envelope:

(a) The physical postmark applied by the United States Postal Service; or

(b) Information from a barcode or similar marking used by the United States Postal Service,

➥ that indicates the date on which the United States Postal Service came into official possession of the return envelope.

2. If the city clerk cannot determine whether a mail ballot is postmarked on or before the day of the election but the mail ballot is received by the city clerk not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed pursuant to subsection 2 of NRS 293C.26321 to have been postmarked on or before the day of the election and may not be rejected solely on the ground that the postmark is illegible, incomplete or otherwise absent.

R088-25P
January 21, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The need for this regulation arises from the requirement to ensure consistent, uniform, and transparent standards for determining the postmark date on mail ballot return envelopes when a postmark is missing, illegible, or otherwise cannot be determined. The adopted regulation codifies procedures to guide election officials in determining whether a mail ballot was timely mailed and eligible to be counted, thereby promoting uniform administration of election laws.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.
   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 7, 2026 and the adoption hearing was held on January 21, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. Comments received generally called for clearer guidance on the use and meaning of postmarks and barcodes on mail ballot return envelopes, emphasizing that acceptance of ballots without a verifiable mailing date is unfair and that the State should align with federal standards in determining the validity of ballot receipt dates.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 7, 2026
   (a) Number in attendance: 6
   (b) Number testifying: 1
   (c) Written statements submitted: 5

   Adoption Hearing date: January 21, 2026
   (a) Number in attendance: 4

(b) Number testifying: 0
(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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.**
   Comments generally called for clearer guidance on the use and meaning of postmarks and barcodes on mail ballot return envelopes. The regulation codifies existing statutory requirements and provides clarity in response to USPS operational changes. The regulation will be amended to align with a Nevada Supreme Court decision by clarifying that a ballot received within the statutory timeframe will not be rejected solely due to an illegible, missing, incomplete, or omitted postmark.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

Workshop - January 7, 2026	**Adoption Hearing - January 21, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org	Katrine Ivanoff https://mrsfixit.us/
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Ellen Gifford
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Cynthia Perine 7090 Windstar Drive Reno, NV 89523 perinecynthia@gmail.com	
Reva Crump unolabrat@gmail.com	
Jeffrey Church renocop@earthlink.net	
Lisa Mayo-DeRiso President/CEO Mayo & Associates | OnPoint Campaigns 702-403-7779	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R088-25P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations establish requirements for determining the date on which a mail ballot return envelope is postmarked for purposes of counting the mail ballot under Nevada election law and do not create an adverse or beneficial economic impact in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

ADOPTED REGULATION OF THE

SECRETARY OF STATE

LCB File No. R089-25

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

AUTHORITY: § 1, NRS 293.124, 294A.380 and 294A.420.

A REGULATION relating to elections; revising certain provisions relating to the waiver or reduction of certain penalties for violations of statutes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a candidate, person, organization, committee, political party or nonprofit corporation that violates certain provisions of the Nevada Revised Statutes relating to campaign finance is subject to certain civil penalties. Existing law further authorizes the Secretary of State to waive such a civil penalty for good cause shown. (NRS 294A.420) Existing regulations authorize the Secretary of State to grant a waiver if the person, committee for political action or entity: (1) files a written request for a waiver; and (2) properly files the appropriate report that was the cause of the civil penalty. (NAC 294A.097)

This regulation sets forth certain circumstances that constitute good cause. In addition to the existing requirements to receive a waiver, this regulation requires the person, committee for political action or entity to establish: (1) that the person, committee for political action or entity has properly filed each report that the person, committee for political action or entity was required to file for the immediately preceding 36 months; and (2) one of the circumstances that constitutes good cause. Further, this regulation authorizes the Secretary of State, with the approval of the Attorney General, to grant a waiver in certain circumstances without requiring the person, committee for political action or entity to request the waiver or take certain actions.

Existing law provides that if the Secretary of State waives a civil penalty for good cause, the Secretary of State is required to: (1) create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and (2) ensure that the record is available for review by the general public. (NRS 294A.420) Existing regulations require the Secretary of State to: (1) compile each record into a quarterly report; and (2) post the quarterly report on the Internet website of the Office of the Secretary of State. (NAC 294A.097) This regulation provides that such requirements also apply when the Secretary of State reduces a civil penalty for good cause shown.

Section 1. NAC 294A.097 is hereby amended to read as follows:

294A.097 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Secretary of State may waive a civil penalty for good cause pursuant to subsection 4 of NRS 294A.420, if the person, committee for political action or entity that is subject to a civil penalty pursuant to NRS 294A.420:

(a) Files a written request for a waiver setting forth the basis for the waiver; ~~[and]~~

(b) Properly files the appropriate report pursuant to the applicable provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(c) Establishes that each appropriate report the person, committee for political action or entity was required to file pursuant to chapter 294A of NRS for the immediately preceding 36 months was properly filed pursuant to the applicable provisions of chapter 294A of NRS and that:

(1) Within a reasonable time on or before the date the respective report was due, the candidate or officer or representative of the committee for political action or entity experienced an unforeseen circumstance or event or personal or medical emergency;

(2) The candidate is experiencing financial hardship;

(3) The candidate or officer or representative of the committee for political action or entity is or was a member of the Armed Forces of the United States serving outside of the State or country within a reasonable period of time on or before the date the respective report was due and the candidate or officer or representative of the committee for political action or entity executes an affidavit under penalty of perjury attesting to such facts;

(4) The candidate or officer or representative of the committee for political action or entity experienced an unforeseen circumstance or event, including, without limitation, damaging weather conditions, a civil emergency or power outage, and the candidate or officer or representative of the committee for political action or entity executes an affidavit under penalty of perjury attesting to such facts;

(5) The candidate or officer or representative of the committee for political action or entity experienced a threat to his or her personal safety that required certain actions under which submission of the report was not reasonable and the candidate or officer or representative of the committee for political action or entity executes an affidavit under penalty of perjury attesting to such facts;

(6) The candidate or officer or representative of the committee for political action or entity received erroneous written instructions from a filing officer or election official relating to the filing of the report;

(7) An administrative or technical error made the timely filing of the report impossible;

(8) Any other circumstance or situation that is specific to a particular candidate or officer or representative of the committee for political action or entity which the Secretary of State, with the approval of the Attorney General, determines to be good cause for a waiver; or

(9) The entity is a nonprofit organization under the laws of this State that does not have paid employees and is solely comprised of volunteers and:

(I) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity or a member of the family of such an officer or representative of the entity who experiences a circumstance described in subparagraphs (1) to (8), inclusive; or

(II) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity severs his or her relationship with the entity.

2. ***The Secretary of State, with the approval of the Attorney General and for good cause, may waive a civil penalty imposed pursuant to NRS 294A.420, if the person, committee for political action or entity:***

(a) Did not receive any contributions and did not make any expenditures during the reporting period;

(b) Was running for office for the first time or the committee for political action or entity was formed within the 12 months immediately preceding the date on which the report was due, as applicable; or

(c) Made a good faith effort to file the report.

3. The Secretary of State, with the approval of the Attorney General and for good cause, may reduce a civil penalty imposed pursuant to NRS 294A.420 if:

(a) The penalty is being imposed for a failure to properly file a report or form for registration; and

(b) The person, committee for political action or entity that is subject to a civil penalty pursuant to NRS 294A.420 first properly files the appropriate report or form.

~~[3.]~~ ***4.*** The Secretary of State will not waive or reduce a civil penalty imposed pursuant to NRS 294A.420 for good cause on the basis that the Secretary of State did not send a reminder notice that a report or form for registration was due before the applicable deadline.

~~[4.]~~ ***5.*** If the Secretary of State waives ***or reduces*** a civil penalty imposed pursuant to subsection 4 of NRS 294A.420, the Secretary of State will:

(a) Compile each record created pursuant to paragraph (a) of subsection 6 of NRS 294A.420 into a quarterly report; and

(b) Post the quarterly report created pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State not later than 15 business days after the last day of each calendar quarter.

R089-25P
January 23, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to clarify the circumstances under which civil penalties related to campaign finance reporting may be waived or reduced for good cause. It establishes specific eligibility requirements, including timely filing of required reports for the preceding 36 months, and authorizes the Secretary of State, with approval of the Attorney General, to grant a waiver or reduction in certain cases without a formal request. These procedures ensure consistency, transparency, and proper handling of penalty waivers and reductions, and are necessary to provide clarity to the public, regulated entities, and stakeholders regarding the waiver process.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 12, 2026 and the adoption hearing was held on January 23, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. Comments received generally supported the proposed good cause criteria for waiving or reducing civil penalties under NRS 294A.420, while suggesting additional measures such as requiring verification for threats to personal safety, considering candidate quality through signature requirements, or including police reports for serious threats.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 12, 2026
   (a) Number in attendance: 7
   (b) Number testifying: 0

(c) Written statements submitted: 1

Adoption Hearing date: January 23, 2026
(a) Number in attendance: 3
(b) Number testifying: 0
(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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.**
7. Comments generally supported the proposed good cause criteria for waiving or reducing civil penalties. The regulation was adopted because its intent is to provide clarity on campaign finance statutes regarding requests for a waiver or reduction of civil penalties. It codifies existing statutory standards and clarifies the circumstances under which a waiver or reduction may be granted, based on historical data and established practice, to ensure consistency and transparency for candidates and political entities.**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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.

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

Workshop - January 12, 2026	**Adoption Hearing - January 23, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Katrine Ivanoff https://mrsfixit.us/	Briana Bollman - SOS
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Katrine Ivanoff https://mrsfixit.us/
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Ellen Gifford	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R089-25P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations clarify circumstances under which civil penalties related to campaign finance reporting may be waived or reduced for good cause and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

R090-25

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R090-25

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.387; §§ 2, 5, 10 and 15, NRS 293.124 and 293.247; §§ 3, 9 and 19, NRS 293.124; §§ 4, 17 and 22, NRS 293.124, 293.247 and 293.565; § 6, NRS 293.124, 293.247, 293.275, 298.640 and 298.690; §§ 7 and 18, NRS 293.124, 293.247, 293.269927, 293C.26327; § 8, NRS 293.124, 293.247 and 293.269925; § 11, NRS 293.124, 293.247 and 293.403; § 12, NRS 293.124, 293.247, 293.4855, 293.507 and 293.5235; § 13, NRS 293.124, 293.247 and 293.394; § 14, NRS 293.124, 293.247 and 293B.1045; § 16, NRS 293.124, 293.247 and 293C.387; §§ 20 and 21, NRS 293.124 and 294A.380.

A REGULATION relating to the Secretary of State; interpreting the term "clerical errors" for the purpose of the canvass of the returns; revising provisions relating to filing a complaint with the Secretary of State; revising requirements governing the provision of sample ballots to candidates; revising requirements for an affidavit of a petition circulator; revising requirements for testing an electronic roster; revising requirements relating to periodic audits of certain employees in the office of the county and city clerk; requiring a retrieval team for collecting and transporting mail ballots to submit certain information to the county or city clerk; requiring a county clerk to include certain information relating to mail ballots in a report to the Secretary of State; requiring each county and city clerk to submit an estimate of the cost of a recount to the Secretary of State; establishing certain requirements for a standard form for use by persons applying to preregister to vote; revising the races that must be audited during a risk-limiting audit of an election; requiring each county clerk to certify that certain software or operating systems meet or exceed certain standards; revising certain requirements relating to postelection audits of certain operating systems; requiring persons who make a contribution in the form of goods or services to certain political entities to provide the entity with a signed statement setting forth the actual cost or fair market value of the goods or services; revising provisions relating to notifying a candidate or public officer of an alleged violation of certain campaign finance laws; repealing certain provisions relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners to meet and canvass the returns of votes in an election and, in making the canvass, to note separately any clerical errors discovered and take account of the changes resulting from the discovery of any such clerical errors. (NRS 293.387, 293C.387) **Sections 1 and 16** of this regulation set forth the interpretation of the Secretary of State with respect to the meaning of "clerical errors" for the purpose of this provision.

Existing regulations require a person who wishes to file a complaint concerning an alleged violation of any provision of existing law relating to elections to submit the complaint in writing to the Secretary of State. (NAC 293.025) **Section 3** of this regulation requires the complaint to be submitted on a form prescribed by the Secretary of State.

Existing law requires, with certain exceptions, the county clerk to distribute a sample ballot to registered voters. (NRS 293.565) Existing regulations require the county and city clerk to mail a copy of the sample ballot for a primary, primary city, general or general city election to each candidate. (NAC 293.120, 293.130, 293C.110, 293C.120) **Sections 4 and 17** of this regulation instead require the county and city clerk to make a copy of the sample ballot for any such election available to a candidate upon request. **Section 22** of this regulation repeals the provisions requiring the sample ballots for a general or general city election to be distributed and posted in the same manner as a primary or primary city election as **sections 4 and 17** set forth the requirements for making such sample ballots available.

Existing law requires a circulator of certain petitions to verify each document of a petition attesting that, according to the best information or knowledge and belief of the circulator, the signers are registered voters of the State, the signatures are genuine and were signed in the presence of the circulator. (NRS 293.128, 293.200, 298.109) Existing regulations require each petition submitted to the county clerk for verification to include an affidavit signed by the person who circulated the document attesting to certain information. (NAC 293.182) **Section 5** of this regulation requires the affidavit to include certain statements attesting that the signatures are genuine and, according to the best information and belief of the circulator, each person who signed was a registered voter in this State and county of his or her residence.

Existing law requires that, if a county clerk uses an electronic roster, the county clerk must conduct tests on the electronic roster. (NRS 293.275) Existing regulations set forth the testing that the county clerk is required to conduct on an electronic roster. (NAC 293.228) **Section 6** of this regulation requires the testing to include confirmation that each electronic roster accurately displays the polling place to which the electronic roster is assigned. Existing regulations require the county clerk to confirm certain functioning of an electronic roster for at least one electronic roster assigned to each polling place. (NAC 293.228) **Section 6** instead requires the county clerk to confirm the functioning for at least one electronic roster that will be used for the election.

Existing regulations require each county and city clerk to perform periodic audits of each employee in the office of the county or city clerk whose regular duties include checking the signatures on mail ballots. (NAC 293.336, 293C.515) **Sections 7 and 18** of this regulation require the county and city clerk to: (1) use a form prescribed by the Secretary of State to perform the periodic audit; and (2) provide the periodic audits to the Secretary of State upon request.

Existing regulations require that an electronic device used to verify signatures on mail ballots only be connected to a computer network for maintenance and support and when connected to the computer network, must be operated on a closed, secure network behind a firewall. (NAC 293.338) **Section 8** of this regulation removes the requirement that the electronic device only be connected to a computer network for maintenance and support.

Existing regulations require a county and city clerk to establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes to the receiving center or central counting place. Each retrieval team is required, under existing regulations, to submit a description of the chain of custody of the mail ballots collected and transported by the retrieval team to the Secretary of State. (NAC 293.352, 293C.580) **Sections 9 and 19** of this regulation instead require the retrieval team to submit the description of the chain of custody to the county clerk or city clerk, as applicable.

Existing law requires, with certain exceptions, the county or city clerk to send a mail ballot to each active registered voter. (NRS 293.269911, 293.269913, 293C.263, 293C.26312) Existing regulations require each county clerk to report certain information to the Secretary of State after each election. (NAC 293.3595) **Section 10** of this regulation requires each county clerk to include in this report additional information relating to the number of mail ballots received, counted and tabulated before, on and after election day.

Existing law authorizes a candidate to demand and receive a recount of the vote under certain circumstances if the candidate: (1) files the demand in writing with the officer with whom he or she filed a declaration of candidacy; and (2) deposits in advance the estimated cost of the recount with the filing officer. Existing law requires the Secretary of State to adopt regulations defining "costs" for the purposes of this provision. (NRS 293.403) **Section 11** of this regulation requires each county and city clerk to submit to the Secretary of State an estimate of the costs to conduct a recount of the vote for an office on the ballot for the upcoming election by not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance.

Existing law authorizes a person who is 17 years of age or older but less than 18 years of age and who has resided in this State for 30 days or longer to preregister to vote. (NRS 293.4855) Existing law requires the Secretary of State to prescribe standard forms for use by persons who are applying to preregister or register to vote. (NRS 293.507) Existing regulations provide that the Secretary of State will create a standard paper form for a person to apply to register to vote in person or by mail. (NAC 293.420) **Section 12** of this regulation provides that the Secretary of State will also create a standard paper form for use by persons who are applying to preregister to vote and the form will include certain information for a person who is preregistering to vote.

Existing law requires the Secretary of State to adopt regulations for conducting a risk-limiting audit of an election. (NRS 293.394) Existing regulations require each county clerk to conduct a risk-limiting audit following each election which audits the results of one race for statewide office and one race for countywide office, if applicable. (NAC 293.481) **Section 13** of this regulation instead requires each county clerk to conduct a risk-limiting audit of the results of one race for state or federal office and one race for county office, if applicable. **Section 13** defines the terms: (1) "county office" to mean an elected county office whose candidates are voted upon by the registered voters of one county; (2) "federal office" to mean certain elected

federal offices which are established in the United States Constitution; and (3) "state office" to mean certain elected state offices which are established in the Nevada Constitution.

Existing law prohibits a mechanical voting system from being used in this State unless the mechanical voting system meets or exceeds the standards for such voting systems established by the United States Election Assistance Commission and prohibits the Secretary of State from approving a mechanical voting system that does not meet or exceed such requirements. (NRS 293B.063, 293B.104) Existing regulations require each county clerk to certify that the software used to tabulate ballots and the operating systems installed on each mechanical recording device or ballot marking device have been certified by the Voting System Testing and Certification Program of the Election Assistance Commission. (NAC 293B.110) **Section 14** of this regulation instead requires each county clerk to certify that such software or operating systems meet or exceed any standards established by the Election Assistance Commission.

Existing regulations require each county clerk to conduct a postelection audit of randomly selected mechanical recording devices to verify that the operating systems installed on each mechanical recording device used in the election are the operating systems that were certified by the county clerk before the election. (NAC 293B.120) **Section 15** of this regulation instead requires the county clerk to conduct the postelection audit to verify the operating systems by confirming the identity of each component of the operating system matches the identity registered with the National Software Reference Library.

Existing law requires candidates and certain other persons, committees and political organizations to file reports with the Secretary of State disclosing certain contributions, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Existing regulations require a person who makes a contribution in the form of services provided in kind for which money would have otherwise been paid to a candidate, committee for political action, political party or committee sponsored by a political party, person who makes an independent expenditure or committee for the recall of a public officer to provide the recipient a signed statement setting forth the actual cost of those services or, if that amount cannot be determined, the fair market value of those services, which amount must then be included in certain campaign finance reports. (NAC 294A.043) **Section 20** of this regulation also requires a person who makes a contribution to any such entity in the form of goods to provide the recipient a signed statement setting forth the actual cost of the goods or, if that cannot be determined, the fair market value of the goods, which amount must then be included in certain campaign finance reports.

Existing regulations provide that if the Secretary of State receives written notice that a candidate or public officer has violated a provision of existing law relating to campaign finance, the Secretary of State will notify the candidate or public officer of the alleged violation by certified mail. (NAC 294A.120) **Section 21** of this regulation instead provides that if the Secretary of State becomes aware of an alleged violation, the Secretary of State will notify the candidate or public officer.

Existing regulations require each county clerk to conduct a postelection certification audit of voter verifiable paper audit trail printers (VVPATs). (NAC 293.255) **Section 22** of this regulation repeals this requirement. **Section 2** of this regulation makes a conforming change to remove the definition for VVPATs, as the term is no longer used.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 293.387, the Secretary of State will interpret the term "clerical errors" to mean:

1. Any error in tabulating the votes cast that occurred before the canvass of the returns pursuant to NRS 293.387; or

2. The omission of a ballot during the initial tabulating of the votes cast if the ballot was subsequently identified and tabulated before the canvass of the returns pursuant to NRS 293.387.

Sec. 2. NAC 293.010 is hereby amended to read as follows:

293.010 As used in this chapter, unless the context otherwise requires:

1. "Ballot stock" means:

(a) The paper upon which a ballot is printed on which a voter directly indicates his or her vote; and

(b) The materials included with a mail ballot, including, without limitation, the mail ballot, return envelope, envelope or sleeve into which the mail ballot is inserted to ensure its secrecy and voter instructions.

2. "Department" means the Department of Motor Vehicles.

3. "Hand count" means the process of determining the results of an election where the primary method of counting the votes cast for each candidate or ballot question does not involve the use of a mechanical voting system.

4. "Results cartridge" means an elections media cartridge or memory device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

5. "Signature stamp" has the meaning ascribed to it in NRS 427A.755.

6. "Vote center" means a polling place established by the county or city clerk, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so during the period for early voting by personal appearance or on the day of the election.

7. ~~[~~"Voter verifiable paper audit trail printer" or "VVPAT" means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter.

~~8.]~~ "Voting booth" means any place or compartment used to screen a voter from the observation of others.

Sec. 3. NAC 293.025 is hereby amended to read as follows:

293.025 A person who wishes to file a complaint concerning an alleged violation of any provision of title 24 of NRS must:

1. Submit the complaint in writing to the Secretary of State ~~[,]~~ ***on a form prescribed by the Secretary of State;*** and

2. Sign the complaint.

➥ The complaint may include proof of the alleged violation.

Sec. 4. NAC 293.120 is hereby amended to read as follows:

293.120 The county clerk shall:

1. ~~[Mail]~~ ***Make*** a copy of the sample ballot for the primary election ***or general election*** prepared pursuant to NRS 293.565 ***available*** to ~~[each candidate who has filed with the county clerk a declaration of candidacy. The copy must be mailed to the mailing address which is stated in the declaration of candidacy.~~

~~2. Mail a copy of the sample ballot for the primary election prepared pursuant to NRS 293.565 to each candidate who has been certified to the county clerk by the Secretary of State.~~

~~3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the county clerk shall make a copy of each sample ballot available to the]~~ ***a*** candidate upon request.

~~[4.]~~ ***2.*** Provide an electronic copy of each sample ballot for a primary election ***or general election*** prepared pursuant to NRS 293.565, to the Secretary of State.

~~[5.]~~ ***3.*** Post a copy of the sample ballot or a list of candidates in a conspicuous place in the county clerk's office.

Sec. 5. NAC 293.182 is hereby amended to read as follows:

293.182 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person is a registered voter.

(5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures ***are genuine and*** were affixed in my presence; (5) that ~~[I believe]~~ ***, according to my best information and belief,*** each person who signed was at the time of signing a registered voter in the ***State of Nevada and the*** county of his or her residence; and (6) that the number of signatures affixed thereon is _____.

_____

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of ____, _____.

_____

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be stapled, bound or attached in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, "petition" means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 298.109, 306.015, 306.035 or 306.110.

Sec. 6. NAC 293.228 is hereby amended to read as follows:

293.228 1. If a county clerk uses an electronic roster for an election, the county clerk must conduct logic and accuracy tests on the electronic roster and certify to the Secretary of State that the testing was completed by the deadline set forth in NRS 293.275.

2. The testing required pursuant to subsection 1 must confirm, without limitation:

(a) That each electronic roster accurately displays:

(1) The date and time;

(2) The date of the election and the type of election, including, without limitation, whether the election is a presidential preference primary election, primary election, general election or special election;

(3) The name of the county;

(4) The number of voter files contained in the electronic roster;

(5) ***The polling place to which the electronic roster is assigned;***

(6) The precinct and number of voters in the precinct, if applicable;

~~[(6)]~~ ***(7)*** The current version of the operating system; and

~~[(7)]~~ ***(8)*** The signature records of the voters in the county;

(b) For at least one electronic roster ~~[assigned to each polling place,]~~ ***that will be used for the election,*** the correct functioning of the electronic roster for the following situations:

(1) A registered voter in the county who appears to vote in person who has not voted in the election;

(2) A registered voter in the county who appears to vote in person where the electronic roster shows that a ballot connected to the voter has already been received or voted;

(3) A person who claims to be registered to vote who cannot be located in the electronic roster;

(4) A registered voter who is listed as inactive in the electronic roster;

(5) A registered voter who spoils his or her ballot;

(6) A registered voter who appears to vote in person and brings his or her unvoted mail ballot;

(7) A registered voter who would like to change his or her political party affiliation; ***and***

(8) A registered voter who would like to update his or her voter registration information; and

~~[(9) A registered voter in a county with a precinct split; and]~~

(c) The correct performance of the following functions of the electronic roster:

(1) Printing labels;

(2) Printing activation cards or ballot cards;

(3) That a ballot issued by one electronic roster is indicated as issued on other electronic rosters;

(4) Preparing turnout reports;

(5) Preparing daily totals; and

(6) That the roster uploads correctly to the office of the county clerk.

Sec. 7. NAC 293.336 is hereby amended to read as follows:

293.336 1. The county clerk or an employee in the office of the county clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293.269927.

2. The county clerk shall ~~[perform]~~ ***:***

(a) Perform periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots ~~[.]~~ ***using a form prescribed by the Secretary of State;***

(b) If the county clerk finds ***when performing an audit pursuant to paragraph (a)*** that an employee has an irregular acceptance or rejection rate, ~~[the county clerk must]~~ retrain the employee or prohibit the employee from checking signatures on mail ballots ~~[.]~~ ***; and***

(c) Upon request of the Secretary of State, provide the Secretary of State with the periodic audit of the employees in the office of the county clerk performed pursuant to paragraph (a).

3. If the county clerk uses an electronic device to:

(a) Sort mail ballots, the county clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the county clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the county clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293.269927, the county clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the county clerk are closed in the 6 days following the election. The county clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 8. NAC 293.338 is hereby amended to read as follows:

293.338 An electronic device that is used to verify signatures on mail ballots may only be connected to a computer network ~~[for maintenance and support. When connected to the computer network, the electronic device must be operated]~~ on a closed, secure network behind a firewall. The county clerk shall keep maintenance logs documenting:

1. The name of any person who provides maintenance or support to the electronic device;

2. The time and date the electronic device was accessed; and

3. The reason for accessing the electronic device.

Sec. 9. NAC 293.352 is hereby amended to read as follows:

293.352 1. The county clerk shall establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes established in the county to the receiving center or to the central counting place, as directed by the county clerk. If necessary, the county clerk may use multiple retrieval teams to collect and transport the mail ballots.

2. A retrieval team shall be composed of at least two persons. If a ballot drop box is established within a polling place, the retrieval team must, if practicable, be composed of two members of the election board who are of differing political parties.

3. A retrieval team must frequently collect mail ballots from the ballot drop boxes established in the county beginning on the date that the mail ballots are issued and ending at the close of the polls on election day and as prescribed by subsection 4 or 5.

4. If there is a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, a retrieval team shall:

(a) Hand the last person in line at the close of polls a card prepared by the county clerk that states "Last Person in Line"; and

(b) Refrain from collecting and transporting the mail ballots in the ballot drop box until the time that the person holding the card described in paragraph (a) has submitted the mail ballot.

5. If there is not a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, the retrieval team shall immediately collect and transport the mail ballots.

6. Each retrieval team shall, on a form prescribed by the Secretary of State, submit to the ~~[Secretary of State,]~~ ***county clerk*** a description of the chain of custody of the mail ballots collected and transported by the retrieval team.

Sec. 10. NAC 293.3595 is hereby amended to read as follows:

293.3595 ***1.*** Not later than ~~[60]~~ ***45*** days after the date of an election, each county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:

~~[1.]~~ ***(a)*** The number of surrendered mail ballots for that election that were not cast but were dropped off at each ballot drop box or polling place.

~~[2.]~~ ***(b) The number of mail ballots cast for that election that were received by the county clerk, including, without limitation, mail ballots that were dropped off at a ballot drop box or polling place, on each day during the period for voting in the election beginning 45 days before the date of the election and ending 10 days after the date of the election.***

(c) The number of mail ballots cast that were dropped off at each ballot drop box or polling place.

~~[3.]~~ ***(d) For mail ballots received on election day:***

(1) The total number of mail ballots received on election day;

(2) Of the total number of mail ballots received on election day:

(I) The number of mail ballots that were accepted;

(II) The number of mail ballots that were not accepted; and

(III) The number of mail ballots that that were counted.

(e) For mail ballots received after election day and through the 30th day after the election, as applicable:

(1) The number of mail ballots received on or before 5 p.m. on the fourth day following election day that were postmarked and the number of such mail ballots that were counted;

(2) The number of mail ballots received after 5 p.m. on the fourth day following election day that were postmarked and not counted;

(3) The number of mail ballots received on or before 5 p.m. on the third day following election day that were not postmarked and the number of such mail ballots that were counted; and

(4) The number of mail ballots received after 5 p.m. on the third day following election day that were not postmarked and not counted.

(f) The number of voters who registered to vote in person during the period for early voting by personal appearance and on election day for that election.

~~[4.]~~ ***(g)*** The number of voters who updated voter registration information during the period for early voting by personal appearance and on election day for that election.

~~[5.]~~ ***(h)*** The number of voters who registered to vote by computer during the period for early voting by personal appearance and on election day.

2. For purposes of this section, a mail ballot is "accepted" by the county clerk when the signature on the mail ballot has been verified or cured pursuant to NRS 293.269927.

Sec. 11. NAC 293.375 is hereby amended to read as follows:

293.375 1. ***Not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance in any election, each county and city clerk shall submit to the Secretary of State an estimate of the costs to conduct a recount of the vote pursuant to NRS 293.403 for an office on the ballot for that election.***

2. In determining the estimated or actual cost of any recount, the county or city clerk or Secretary of State:

(a) May include the cost of:

(1) Utilities used in a public building which is occupied for a recount before or after the normal hours of business;

(2) Rent for the use of a building not owned by the public;

(3) Salaries for overtime work of regularly employed members of the staff who normally handle elections;

(4) Salaries for other employees engaged for the recount;

(5) Services rendered by the personnel of the ***Governor's Technology*** Office ~~[of the Chief Information Officer]~~ within the Office of the Governor or the agency of the county or city that is charged with the responsibility of administering a telecommunications or computer system for the county or city and the computer time associated with the recount;

(6) Mileage and per diem allowances for county or city clerks who attend meetings at the request of the candidate;

(7) Extra materials ordered for the particular recount, such as tally books; and

(8) Any required support from vendors of equipment or materials used in the recount.

(b) May not include the cost of:

(1) Utilities used during the regular hours of business in a public building which is normally used for the purpose of elections;

(2) Rent in a public building which is normally used for the purpose of elections;

(3) During their normal hours of employment, the salaries of regularly employed members of the staff who normally handle elections; or

(4) Payment for overtime work which is not allowed by the county or city to the county or city clerk for conducting the recount.

~~[2.]~~ ***3.*** Except as otherwise provided in subsection ~~[1.]~~ ***2,*** the Secretary of State may charge the candidate for actual expenses incurred in organizing and conducting a statewide recount.

~~[3.]~~ ***4.*** When two or more recounts are ordered in any election district in the State, the recounts must be conducted simultaneously. If all of the candidates who requested the recount fail to prevail at the finish of the recount, the cost of the recount must be divided equally among those candidates.

Sec. 12. NAC 293.420 is hereby amended to read as follows:

293.420 1. The Secretary of State will create a standard paper form for use by persons who are applying to ***preregister or*** register to vote in person or by mail. The form will include:

(a) An application to ***preregister or*** register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;

(b) Instructions to assist the applicant in completing the application;

(c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;

(d) A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States ***,*** ~~[or will not be at least 18 years of age on or before election day,]~~ the applicant may not ***preregister or*** register to vote;

(e) The option for the applicant to receive a sample ballot in larger type; ~~[and]~~

(f) ~~[Instructions]~~ ***Except as otherwise provided in paragraph (g), instructions*** to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted ~~[.]~~ ***; and***

(g) A notice that if the applicant indicates on the application that the applicant is 17 years of age or older but less than 18 years of age, the applicant will be deemed to be preregistered to vote and, except as otherwise provided in NRS 293.4855, will be deemed to be a registered voter on his or her 18th birthday and receive his or her voter registration card indicating that the registration has been accepted.

2. The Secretary of State will assign a control number to each paper application and will determine the sequence of the control numbers. ~~[The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.]~~

3. The control number must be printed:

(a) On a receipt of the application; and

(b) On the application to be returned to the county clerk.

4. On paper application forms that do not contain a control number, including, without limitation, the Federal Post Card Application submitted to a county clerk, the county clerk must enter the control number:

(a) On the application and a receipt of the application, if the application is submitted in person; or

(b) On the application, if the application is submitted by mail.

5. Each county clerk shall, after obtaining a series of control numbers from the Secretary of State, cause the paper forms to be printed. The county clerk shall continue to make available a sufficient number of the paper forms to meet the needs of the residents of the county.

Sec. 13. NAC 293.481 is hereby amended to read as follows:

293.481 1. The provisions of this section apply on and after January 1, 2024.

2. Each county clerk must conduct a risk-limiting audit following each election.

3. A risk-limiting audit conducted pursuant to this section must audit the results of:

(a) One race for ~~[statewide]~~ ***state or federal*** office, if applicable. The Secretary of State will randomly select one race for ~~[statewide]~~ ***state or federal*** office to be audited at the election using a method determined by the Secretary of State in which all races for ~~[statewide]~~ ***state or federal*** office on the ballot at the election have an equal chance of being selected. The Secretary of State will notify each county clerk which race for ~~[statewide]~~ ***state or federal*** office has been selected for the risk-limiting audit at least 15 days before the date of the election.

(b) One race for ~~[countywide]~~ ***county*** office, if applicable. Each county clerk shall randomly select one race for ~~[countywide]~~ ***county*** office to be audited at the election using a method determined by the county clerk in which all races for ~~[countywide]~~ ***county*** office on the ballot at the election have an equal chance of being selected. The county clerk must notify the Secretary of State which race for ~~[countywide]~~ ***county*** office has been selected for the risk-limiting audit at least 15 days before the date of the election.

4. Each county clerk that conducts a risk-limiting audit pursuant to this section shall create a ballot manifest using the form provided by the Secretary of State that:

(a) Tracks the location of all accepted and tabulated ballots, including, without limitation, mail ballots, provisional ballots and ballots voted using a mechanical recording device; and

(b) Allows for the retrieval of any such ballot for purposes of conducting the risk-limiting audit.

5. As soon as possible after the completion of counting ballots for the election, the county clerk must electronically transmit the ballot manifest and record of votes cast in the election to the Secretary of State using a secure file transfer protocol site.

6. For the purposes of conducting a risk-limiting audit pursuant to this section, the county clerk may remove the seals affixed pursuant to subsection 1 of NRS 293.391 to retrieve the ballots used in the audit. After the completion of a risk-limiting audit, the county clerk must return the ballots to the original location and seal the ballots. The county clerk shall maintain a record of the seals affixed to the ballots used in the risk-limiting audit.

7. For the purposes of conducting a risk-limiting audit pursuant to this section, the Secretary of State:

(a) Will require the use of risk-limiting audit software with the risk limit set at 5 percent; and

(b) May designate one or more of the following types of audit methods:

(1) Ballot comparison;

(2) Ballot polling; or

(3) A hybrid of ballot comparison and ballot polling.

8. As used in this section:

(a) "Ballot comparison" means a technique used in a risk-limiting audit in which the results of the ballot polling are compared to the results of the mechanical voting system as set forth in the record of votes cast on the system.

(b) "Ballot polling" means a technique used in a risk-limiting audit in which individual paper ballots are randomly selected and the ballot markings are examined and interpreted manually until the sampling of selected paper ballots indicates a sufficient majority for the reported winner of the election.

(c) ~~[~~"Countywide~~]~~ ***"County*** office" means an elected county office whose candidates are voted upon in the election by the registered voters of ~~[~~the entire~~]~~ ***one*** county.

(d) ~~[~~"Statewide~~]~~ ***"Federal office" means the elected federal office of President of the United States, Vice President of the United States, United States Senator or Representative in Congress.***

(e) "State office" means ~~[~~an~~]~~ ***the*** elected state office ~~[~~whose candidates are voted upon in the election by the registered voters of the entire State.~~]~~ ***of Governor, Lieutenant Governor, State Senator, State Assemblymember, justice of the Supreme Court, judge of the Court of Appeals,***

Attorney General, State Controller, Secretary of State, State Treasurer or a member of the Board of Regents.

Sec. 14. NAC 293B.110 is hereby amended to read as follows:

293B.110 1. Not earlier than 2 weeks before, and not later than 5 p.m. on the day before, the first day of early voting, in accordance with procedures established by the Secretary of State, each county clerk shall certify that:

(a) The software used to tabulate ballots; ~~[and]~~ ***or***

(b) The operating systems, including, without limitation, software and firmware, installed on each mechanical recording device or ballot marking device,

➥ ~~[have been certified by the Voting System Testing and Certification Program of]~~ ***meets or exceeds any standards established by*** the Election Assistance Commission **.** ~~[established pursuant to 52 U.S.C. § 20921.]~~

2. ~~[The]~~ ***If applicable, the*** county clerk shall certify the operating systems, including, without limitation, software and firmware, pursuant to subsection 1 by confirming that each component of such operating systems used pursuant to subsection 1 matches the identity registered with the National Software Reference Library.

3. The date and time that the operating systems of each mechanical recording device and ballot marking device are certified pursuant to subsection 2 ***, if applicable,*** must be recorded, and, subject to the provisions of subsection 4, an audit trail must be maintained from that date which sets forth each instance that the mechanical recording device or ballot marking device is accessed.

4. The audit trail required pursuant to subsection 3 must include, without limitation:

(a) The name of the supervisor responsible for accessing the mechanical recording device or ballot marking device;

(b) The reason for accessing the mechanical recording device or ballot marking device; and

(c) The date and time that the accessing of the mechanical recording device or ballot marking device was completed.

Sec. 15. NAC 293B.120 is hereby amended to read as follows:

293B.120 1. Not later than 30 days after each election, each county clerk shall conduct a postelection audit of mechanical recording devices randomly selected pursuant to subsection ~~[3]~~ ***2*** or ~~[4]~~ ***3*** to verify ~~[that]~~ the operating systems, including, without limitation, software and firmware, installed on each mechanical recording device used in the election ~~[are the operating systems that were certified before the election pursuant to NAC 293B.110.~~

~~2. The county clerk shall verify operating systems pursuant to subsection 1]~~ by confirming that each component of such operating systems matches the identity registered with the National Software Reference Library.

~~[3.]~~ ***2.*** For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is 100,000 or more shall randomly select a number of mechanical recording devices that is at least 2 percent of the number of mechanical recording devices used in the election, or not less than 20 mechanical recording devices, whichever is greater.

~~[4.]~~ ***3.*** For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is less than 100,000 shall randomly select a number of mechanical recording devices that is at least 3 percent of the number of mechanical recording devices, or not less than four mechanical recording devices, whichever is greater.

Sec. 16. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 293C.387, the Secretary of State will interpret the term "clerical errors" to mean:

1. Any error in tabulating the votes cast that occurred before the canvass of the returns pursuant to NRS 293C.387; or

2. The omission of a ballot during the initial tabulating of the votes cast if the ballot was subsequently identified and tabulated before the canvass of the returns pursuant to NRS 293C.387.

Sec. 17. NAC 293C.110 is hereby amended to read as follows:

293C.110 The city clerk shall:

1. ~~[Mail]~~ ***Make*** a copy of the sample ballot for the primary city election ***or general city election*** prepared pursuant to NRS ~~[293.565]~~ ***293C.530 available*** to ~~[each candidate.~~

~~2. Mail a copy of the sample ballot for the primary city election prepared pursuant to NRS 293.565 to each candidate who has been certified to him or her by the Secretary of State.~~

~~3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the city clerk shall make a copy of each sample ballot available to the]~~ ***a*** candidate upon request.

~~[4.]~~ ***2.*** Provide an electronic copy of each sample ballot for a primary city election ***or general city election*** prepared pursuant to NRS ~~[293.565]~~ ***293C.530*** to the Secretary of State.

~~[5.]~~ ***3.*** Post a copy of the sample ballot or a list of candidates in a conspicuous place in the city clerk's office.

Sec. 18. NAC 293C.515 is hereby amended to read as follows:

293C.515 1. The city clerk or an employee in the office of the city clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293C.26327.

2. The city clerk shall ~~[perform]~~ ***:***

(a) Perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots ~~[.]~~ ***using a form prescribed by the Secretary of State;***

(b) If the city clerk finds ***when performing an audit pursuant to paragraph (a)*** that an employee has an irregular acceptance or rejection rate, ~~[the city clerk must]~~ retrain the employee or prohibit the employee from checking signatures on mail ballots ~~[.]~~ ***; and***

(c) Upon request of the Secretary of State, provide the Secretary of State with the periodic audit of the employees in the office of the city clerk performed pursuant to paragraph (a).

3. If the city clerk uses an electronic device to:

(a) Sort mail ballots, the city clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the city clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the city clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293C.26327, the city clerk is not required to provide signature verification during any

weekend or holiday or any other time in which the offices of the city clerk are closed in the 6 days following the election. The city clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 19. NAC 293C.580 is hereby amended to read as follows:

293C.580 1. The city clerk shall establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes established in the city to the receiving center or to the central counting place, as directed by the city clerk. If necessary, the city clerk may use multiple retrieval teams to collect and transport the mail ballots.

2. A retrieval team shall be composed of not less than two persons. If a ballot drop box is established within a polling place, the retrieval team must, if practicable, be composed of two members of the election board who are of differing political parties.

3. A retrieval team must frequently collect mail ballots from the ballot drop boxes established in the city beginning on the date that the mail ballots are issued and ending at the close of the polls on election day and as prescribed by subsection 4 or 5.

4. If there is a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, a retrieval team shall:

(a) Hand the last person in line at the close of the polls a card prepared by the city clerk that states “Last Person in Line”; and

(b) Refrain from collecting and transporting the mail ballots in the ballot drop box until the time that the person holding the card described in paragraph (a) has submitted the mail ballot.

5. If there is not a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, the retrieval team shall immediately collect and transport the mail ballots.

6. Each retrieval team shall, on a form prescribed by the Secretary of State, submit to the ~~[Secretary of State,]~~ ***city clerk*** a description of the chain of custody of the mail ballots collected and transported by the retrieval team.

Sec. 20. NAC 294A.043 is hereby amended to read as follows:

294A.043 1. A person who makes a contribution in the form of ***goods or*** services provided in kind for which money would have otherwise been paid to a:

(a) Candidate;

(b) Committee for political action, political party or committee sponsored by a political party;

(c) Person who makes an independent expenditure; or

(d) Committee for the recall of a public officer,

➥ shall, within 30 days after the time he or she furnishes those ***goods or*** services, provide to the recipient a statement signed by him or her that sets forth the actual cost of those ***goods or*** services or, if that amount cannot be determined, the fair market value of those ***goods or*** services.

2. A candidate, committee, political party or other person shall include the amount set forth in the statement provided pursuant to subsection 1 in the report required to be filed pursuant to the provisions of chapter 294A of NRS, unless the candidate, committee, political party or other person knows or should have known that the amount is not accurate.

3. If a candidate, committee, political party or other person knows or should have known that the amount set forth in the statement provided pursuant to subsection 1 is not accurate, he or she shall include in the appropriate report required to be filed pursuant to the provisions of chapter 294A of NRS the amount that he or she determines is the actual cost of the ***goods or*** services or, if he or she cannot determine the actual cost, the fair market value of the ***goods or*** services.

Sec. 21. NAC 294A.120 is hereby amended to read as follows:

294A.120 If the Secretary of State ~~[receives written notice]~~ ***becomes aware*** that a candidate or public officer is alleged to have violated a provision of chapter 294A of NRS, the Secretary of State will notify the candidate or public officer of the alleged violation by certified mail.

Sec. 22. NAC 293.130, 293.255 and 293C.120 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.130 Sample ballots: General elections. (NRS 293.124, 293.247, 293.3025, 293.565) Sample ballots for general elections must be prepared in the same manner, quantity and form as sample ballots for primary elections and must be distributed and posted in the same manner. The county clerk shall prepare a sufficient number of explanations of the questions on the ballot so

that he or she can mail one with each sample ballot, post one in a conspicuous place in his or her office and post at least two in each polling place.

293.255 Postelection certification audits of VVPATs. (NRS 293.124, 293.247)

1. After each election, a county clerk shall conduct a postelection certification audit of VVPATs randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device.

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

3. The county clerk of a county whose population is 100,000 or more must randomly select a number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. From each such mechanical recording device, the county clerk must select a vote to compare at random. If a discrepancy of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an

additional number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. From each such mechanical recording device, the county clerk must select a vote to compare at random.

4. The county clerk of a county whose population is less than 100,000 must randomly select a number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit. From each such mechanical recording device, the county clerk must select a vote to compare at random. If a discrepancy of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit. From each such additional mechanical recording device, the county clerk must select a vote to compare at random.

5. The county clerk shall transmit the results of the audit to the Secretary of State within 9 days after the date of the election but before the canvass. The results of the audit must include, without limitation, an explanation of any discrepancy discovered by the county clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.

6. Any member of the public who observes the postelection certification audit shall not interfere with the conduct of the audit.

293C.120 Sample ballots: General elections. (NRS 293.124, 293.247, 293.3025, 293.565, 293C.530) Sample ballots for general city elections must be prepared in the same manner, quantity and form as sample ballots for primary city elections and must be distributed and posted in the same manner. The city clerk shall prepare a sufficient number of explanations of the questions on the ballot so that he or she can mail one with each sample ballot, post one in a conspicuous place in the city clerk's office and post at least two in each polling place.

R090-25RP1
January 23, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to codify standards and procedures for a variety of election functions, including interpreting "clerical errors" during canvasses, filing complaints with the Secretary of State, providing sample ballots, petition circulator affidavits, electronic roster testing, postelection audits, mail ballot collection and reporting, risk-limiting audits, software certification, campaign contribution reporting, and notifying candidates or public officers of alleged campaign finance violations, among other matters.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 12, 2026 and the adoption hearing was held on January 23, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. The comments received generally raised concerns about definitions and standards for election certification, including what constitutes an uncertifiable election or result, chain-of-custody for ballots received after the close of delivery, and software certification standards.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 12, 2026
   (a) Number in attendance: 7
   (b) Number testifying: 0
   (c) Written statements submitted: 1

   Adoption Hearing date: January 23, 2026

(a) Number in attendance: 4
(b) Number testifying: 1
(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted with minor modifications to increase transparency, accessibility, and security of elections. Section 9 was clarified to specify data requirements, including the number of mail ballots *received* on Election Day (from 12:01 a.m. to 11:59 p.m.) and ballots received up to 30 days after the election. It also clarified data points for mail ballots *counted* on Election Day. Collecting this data directly from county election officials enhances decision-making, improves public confidence, and ensures consistent and clear reporting while maintaining compliance with existing statutory requirements.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.

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

Workshop - January 12, 2026	**Adoption Hearing - January 23, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Katrine Ivanoff https://mrsfixit.us/	Briana Bollman - SOS
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Katrine Ivanoff https://mrsfixit.us/
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Ellen Gifford	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R090-25RP1

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.
These proposed regulations do not create an economic effect on small businesses. These regulations codify standards and procedures for various election functions, including interpreting clerical errors during canvasses, filing complaints, providing sample ballots, petition circulator affidavits, electronic roster testing, postelection audits, mail ballot handling and reporting, risk-limiting audits, software certification, campaign contribution reporting, and notification of alleged campaign finance violations and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

R095-25

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R095-25

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

AUTHORITY: § 1, NRS 293.124 and 294A.380.

A REGULATION relating to campaign practices; providing that certain expenses are expenses related to or for personal security; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a candidate or public officer to spend money received as a campaign contribution for his or her "personal use," which is defined as any use of contributions to fulfill a commitment, obligation or expense of a candidate or public officer that would exist irrespective of his or her campaign or public office, as applicable. (NRS 294A.011, 294A.160) Assembly Bill No. 3 of the 36th Special Session provides that "personal use" of campaign contributions does not include the use of contributions to fulfill a commitment, obligation or expense for personal security incurred in direct connection to the campaign of a candidate or public office of a public officer. (NRS 294A.011, as amended by section 6 of A.B. 3, chapter 3, Statutes of Nevada 2025, 36th Special Session, at page 23) A.B. 3 further requires that expenses related to personal security be reported on campaign finance reports as a campaign expense. (NRS 294A.365, as amended by section 7 of A.B. 3, chapter 3, Statutes of Nevada 2025, 36th Special Session, at page 23)

This regulation provides that expenses related to or for personal security include: (1) the purchase of a firearm; (2) the purchase of ammunition; (3) the purchase of accessories relating to the ownership of a firearm; (4) the purchase of items relating to marksmanship training or instruction; (5) the costs of marksmanship training or instruction; (6) the fees for an application for a permit to carry a concealed firearm and the related costs of a course in firearm safety; (7) the costs to transport a firearm by air carrier; (8) the costs for personal-defense or unarmed self-defense classes; (9) the purchase of body armor or bulletproof vests; (10) the costs for physical-security enhancements to a workplace, residence or vehicle; (11) the costs for the installation and monitoring of a home alarm or home security system; (12) the costs of an online service that removes personal information from Internet websites; (13) the costs of a device or service to detect and remove a global positioning system tracking device; (14) the costs for staff to provide personal security services; or (15) the costs associated with other similar items, activities or services.

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of chapter 294A of NRS, expenses related to personal security include, without limitation:

1. The purchase of a firearm;

2. The purchase of ammunition for a firearm;

3. The purchase of accessories relating to the ownership of a firearm, including, without limitation, holsters, slings, lockboxes, locks and suppressors;

4. The purchase of items relating to marksmanship training or instruction, including, without limitation, targets and ear and eye protection;

5. The costs of marksmanship training or instruction;

6. The fees for an application for a permit to carry a concealed firearm and the related costs of a course in firearm safety imposed by NRS 202.3657;

7. The costs to transport a firearm by air carrier;

8. The costs for personal-defense or unarmed self-defense classes;

9. The purchase of body armor or bulletproof vests;

10. The costs for physical-security enhancements to a workplace, residence or vehicle;

11. The costs for the installation and monitoring of a home alarm or home security system;

12. The costs of an online service that removes personal information from Internet websites;

13. The costs of a device or service to detect and remove a global positioning system tracking device;

14. The costs for staff to provide personal security services; or

15. The costs associated with other similar items, activities or services.

R095-25P
January 23, 2025

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to clarify that certain personal-security expenses incurred by candidates or public officers may be reported as campaign expenses, and to provide guidance on the types of expenses that qualify, ensuring consistency, transparency, and compliance with statutory requirements.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 12, 2026 and the adoption hearing was held on January 23, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. The comments received generally questioned the statutory authority for including personal-security expenses as reportable campaign expenditures, and suggested that the public should have clear access to the specific statutes supporting the regulation.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 12, 2026
   (a) Number in attendance: 7
   (b) Number testifying: 1
   (c) Written statements submitted: 0

   Adoption Hearing date: January 23, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 0

(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted without change to provide clarity so that candidates understand the full spectrum of expenses that may be covered for personal security, ensuring transparency and consistency in reporting while aligning with the provisions of A.B. 3.
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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

Workshop - January 12, 2026	**Adoption Hearing - January 23, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Emily Espinosa - OAG	Emily Espinosa - OAG
Katrine Ivanoff https://mrsfixit.us/	Briana Bollman - SOS
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Katrine Ivanoff https://mrsfixit.us/
Matthew Winterhawk (702) 381-4295	NO FURTHER ENTRIES
Ellen Gifford	
NO FURTHER ENTRIES	

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R095-25P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations clarify that expenses related to personal security for candidates and public officers, as defined under Assembly Bill 3 (2025 Special Session), are allowable campaign expenses and provide guidance on the types of personal-security costs that may be reported and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.

As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R103-25

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.535; § 2, NRS 293.124, 293.247, 293.303 and 293.547.

A REGULATION relating to elections; establishing requirements for affidavits filed to allege certain claims regarding the citizenship or residency of a registrant; revising the definition of "personal knowledge" that applies to certain voter challenges; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the county clerk to notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that the registrant: (1) is not a citizen of the United States; or (2) has moved and established residence outside of the boundaries of the county where he or she is registered to vote with the intention to remain there indefinitely and abandon his or her residence in the county. (NRS 293.535) Existing regulations establish requirements for the form and content of certain written challenges for the right to vote of a person. (NAC 293.416) **Section 1** of this regulation establishes such requirements for an affidavit filed with the county clerk by an elector or other reliable person to challenge the registration of a voter on the grounds of citizenship or residency by requiring the affidavit to be on a form prescribed by the Secretary of State and contain certain information. **Section 1** additionally requires a county clerk, upon receipt of the affidavit, to conduct an assessment to determine whether the person who filed the affidavit is an "elector" or "other reliable person." **Section 1** requires a county clerk to maintain certain records relating to this assessment for at least 2 years and authorizes the county clerk to share such a record with the Office of the Secretary of State or another county clerk or a city clerk upon request. Finally, **section 1** defines the term "personal knowledge."

Existing law authorizes a registered voter to submit a written challenge to the right to vote of another person if: (1) he or she is registered to vote in the same precinct as the person whose right to vote is challenged; and (2) the challenge is based on the personal knowledge of the registered voter who submits the challenge. (NRS 293.547) Existing law further authorizes a person applying to vote to be challenged under certain circumstances. A registered voter who initiates such a challenge must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal

knowledge of the registered voter. (NRS 293.303) Existing regulations define the term "personal knowledge" for these purposes. (NAC 293.416) **Section 2** of this regulation revises the definition of the term "personal knowledge" for these purposes.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An affidavit filed with a county clerk pursuant to NRS 293.535 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if known or readily available, the telephone number of the registrant;

(b) The number of the precinct in which the registrant is registered to vote;

(c) The name, address and telephone number of the person filing the affidavit;

(d) The date of the filing of the affidavit;

(e) A statement of the facts upon which the affidavit is based;

(f) A statement that the affidavit is based on personal knowledge of the facts upon which the affidavit is based;

(g) Any documentation or evidence supporting the facts upon which the affidavit is based; and

(h) If the person who filed the affidavit is not a registered voter in this State but qualifies as an elector, a statement that he or she is an elector.

2. Upon receipt of an affidavit filed pursuant to NRS 293.535, the county clerk shall determine whether the person is an elector or other reliable person who is eligible to file the

affidavit. For the purposes of making this determination, the county clerk shall determine the person is eligible as:

(a) An elector, if the person:

(1) Is a registered voter in this State; or

(2) Includes in his or her affidavit, the statement required pursuant to paragraph (h); or

(b) A reliable person, if the person:

(1) Files the affidavit with all information required pursuant to subsection 1; and

(2) Is determined by the county clerk to be credible based on an assessment conducted by the county clerk pursuant to subsection 3.

3. When conducting an assessment pursuant to subparagraph (2) of paragraph (b) of subsection 2, the county clerk shall determine whether the person who filed the affidavit has personal knowledge of the facts upon which the affidavit is based. If the person does not have personal knowledge, the person is not a reliable person. If the county clerk determines the person does have personal knowledge, the county clerk shall also consider any factors relevant to the credibility of the information contained in the affidavit or the person who filed the affidavit, including, without limitation, whether the affidavit contains inconsistent statements or if the person who filed the affidavit has a reputation for untruthfulness or any potential bias towards the registrant. The county clerk may update this assessment as new information becomes available.

4. A county clerk shall maintain a record of the assessment conducted pursuant to subparagraph (2) of paragraph (b) of subsection 2 for at least 2 years and may share the

assessment with the Office of the Secretary of State or another county clerk or a city clerk upon request.

5. As used in this section, "personal knowledge" means that the person who files the affidavit has knowledge through firsthand experience or firsthand observation that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to vote to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this State.

➥ The term does not include speculation, hearsay or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.

Sec. 2. NAC 293.416 is hereby amended to read as follows:

293.416 1. A written challenge authorized by NRS 293.547 must:

(a) Be on a form prescribed by the Secretary of State;

(b) Be filed with the county clerk after the 30th day but not later than the 25th day before the day of the election; and

(c) Contain, in addition to any other required information:

(1) The address and, if readily available, the telephone number of the person whose right to vote is challenged;

(2) The number of the precinct in which the person whose right to vote is challenged is registered to vote;

(3) The name, address and telephone number of the person filing the challenge;

(4) The precinct in which the person filing the challenge is registered to vote;

(5) The date of the challenge;

(6) A statement of the facts upon which each ground for the challenge is based;

(7) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based; and

(8) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

2. In addition to the requirements set forth in NRS 293.303, the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and include, without limitation:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.

(c) The name, address and telephone number of the person filing the challenge.

(d) The precinct in which the person filing the challenge is registered to vote.

(e) The date of the challenge.

(f) A statement of the facts upon which each ground for the challenge is based.

(g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.

(h) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

3. As used in this section, "personal knowledge" means that the person who files the challenge has ~~[firsthand]~~ knowledge through ***firsthand*** experience or ***firsthand*** observation of the facts upon each ground that the challenge is based. ***The term does not include speculation, hearsay or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.***

R103-25P
February 17, 2026

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to establish uniform procedures for filing and reviewing affidavits that challenge a voter's registration based on citizenship or residency, including use of a standardized form, required review by county clerks, and record-retention requirements. The regulation promotes consistent and transparent implementation of existing law across all counties.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 16, 2026 and the adoption hearing was held on February 17, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. The comments received generally raised concerns about the constitutionality of certain language and emphasized the importance of clear, objective standards, particularly regarding "personal knowledge," to promote a fair, impartial, and consistent process for reviewing voter registration challenges.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 16, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 1
   (c) Written statements submitted: 1

   Adoption Hearing date: February 17, 2026
   (a) Number in attendance: 5

(b) Number testifying: 0
(c) Written statements submitted: 2

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted with the amended change to Section 1, subsection 5, clarifying the definition of "personal knowledge." The amendment specifies that personal knowledge refers to firsthand knowledge through experience or observation of the facts and explicitly ties the definition to NRS 293.535. This clarification ensures consistent interpretation and application of the law while maintaining the regulation's substantive requirements.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

(1-email count) **Workshop** **January 16, 2026**	(2-email count) **Adoption Hearing** **February 17, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Stacey Sunday SOS	Jessica Higday - SOS
Emily Espinosa - OAG	Edgar Pando - OAG
Ellen Gifford	Ellen Gifford
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456
NO FURTHER ENTRIES	Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org
	Athar Haseebullah, Esq. - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 haseebullah@aclunv.org
	NO FURTHER ENTRIES

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R103-25P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations clarify procedures for voter registration challenges under NRS 293.535, including standards for affidavits, the definition of "personal knowledge," review and retention by county clerks, and limited sharing of records with the Secretary of State. These regulations codify standards and procedures for election administration, including filing and processing voter registration challenges, and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.
As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

2026

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

FEBRUARY 26, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2026 REGULATIONS		
R001-26	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to required notifications of legislator resignations **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R002-26	**294A**	**SECRETARY OF STATE** A REGULATION revising provisions relating to bank interest **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**
R003-26	**293**	**SECRETARY OF STATE** A REGULATION revising provisions relating to post election certification audits **CONTACT Mark Wlaschin (775) 684-5720** **mwlaschin@sos.nv.gov**

ADOPTED REGULATION OF THE

SECRETARY OF STATE

LCB File No. R001-26

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

AUTHORITY: § 1, NRS 293.124, 294A.160, as amended by section 3 of Assembly Bill No. 497, chapter 255, Statutes of Nevada 2025, at page 1755, and NRS 294A.380.

A REGULATION relating to campaign finance; requiring a former Legislator to notify the Secretary of State of his or her resignation from legislative office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to adopt and promulgate regulations and take such other actions as are necessary for the implementation and effective administration of the provisions of the Nevada Revised Statutes relating to campaign finance. (NRS 294A.380) Each former public officer, including a Legislator who resigns from his or her legislative office, who has contributions that are not spent or committed for expenditure remaining from a previous election is required to dispose of those contributions in a certain manner not later than 15 days after the 4-year period immediately following leaving office. (NRS 294A.160, as amended by section 3 of Assembly Bill No. 497, chapter 255, Statutes of Nevada 2025, at page 1755)

This regulation requires a former Legislator who resigns from his or her legislative office to notify the Secretary of State of the resignation not later than 5 business days after the resignation is effective. This notification is in addition to any other notification required by law such as the requirement that the resignation be delivered to the Governor. (NRS 218A.250)

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

1. If any Legislator resigns his or her legislative office, he or she shall notify the Secretary of State not later than 5 business days after the resignation is effective.

2. The notification required by subsection 1 is in addition to any other notification relating to the resignation that is required by law.

R001-26P
February 17, 2026

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to ensure timely and accurate notification of legislative vacancies by requiring that any legislator who resigns notify the Secretary of State within five business days, in addition to notifying the Governor as required by law. This promotes efficient administration of elections and filing processes by ensuring that the appropriate election officials are promptly informed.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 16, 2026 and the adoption hearing was held on February 17, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. The comments received generally expressed concern that the regulation might alter statutory requirements for legislative resignation. In response, it was clarified that the regulation does not change the law but simply encourages providing a courtesy copy of the resignation to appropriate officials to improve communication and administrative clarity.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 16, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 1
   (c) Written statements submitted: 0

   Adoption Hearing date: February 17, 2026

(a) Number in attendance: 5
(b) Number testifying: 0
(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted without change because it does not alter existing statutory requirements. It simply requires that a former legislator provide notice to the Secretary of State in addition to the Governor, ensuring election officials are properly informed.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

(1-email count) **Workshop** **January 16, 2026**	(2-email count) **Adoption Hearing** **February 17, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Stacey Sunday SOS	Jessica Higday - SOS
Emily Espinosa - OAG	Edgar Pando - OAG
Ellen Gifford	Ellen Gifford
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456
NO FURTHER ENTRIES	Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org
	Athar Haseebullah, Esq. - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 haseebullah@aclunv.org
	NO FURTHER ENTRIES

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R001-26P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations clarify procedural requirements by adding a provision that any legislator who resigns from office must notify the Secretary of State within five business days in addition to any statutory requirement to notify the Governor and therefore do not create an adverse or beneficial economic impact on small businesses in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.

As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R002-26

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

AUTHORITY: § 1, NRS 293.124, 294A.120, 294A.125, 294A.373 and 294A.380.

A REGULATION relating to campaign finance; requiring candidates to report the amount of interest accrued during reporting periods from money in campaign accounts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a candidate to open and maintain a separate account in a financial institution located in the United States for the deposit of campaign contributions once the candidate receives minimum contributions of $100. (NRS 294A.130) Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions and campaign account balances to the Secretary of State. (NRS 294A.120, 294A.125) Existing law also requires such reports be completed on a form designed and made available by the Secretary of State. (NRS 294A.373)

This regulation requires a candidate who is required to report contributions received and account balances in reporting periods to include in each report the amount of interest accrued during the reporting period from the money in the campaign account maintained by the candidate.

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

A candidate who is required to report contributions received and account balances in reporting periods pursuant to NRS 294A.120 and 294A.125 shall include in each report the amount of interest accrued during the reporting period from the money in the account maintained by the candidate pursuant to NRS 294A.130.

R002-26P
February 17, 2026

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to ensure that campaign finance reports accurately reflect all sources of funds, including interest earned on campaign accounts, so that the public, election officials, and oversight bodies have complete and transparent financial information for candidates subject to reporting requirements.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 16, 2026 and the adoption hearing was held on February 17, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation and no testimony or written comment was received.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 16, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 0
   (c) Written statements submitted: 0

   Adoption Hearing date: February 17, 2026
   (a) Number in attendance: 5
   (b) Number testifying: 0
   (c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted without change because it provides clarity on how candidates should report interest earned on campaign accounts. This addresses questions received from candidates over the years and ensures that reporting is consistent, transparent, and easy to understand without altering any substantive requirements of existing law.
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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

(1-email count) **Workshop** **January 16, 2026**	(2-email count) **Adoption Hearing** **February 17, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Stacey Sunday SOS	Jessica Higday - SOS
Emily Espinosa - OAG	Edgar Pando - OAG
Ellen Gifford	Ellen Gifford
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456
NO FURTHER ENTRIES	Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org
	Athar Haseebullah, Esq. - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 haseebullah@aclunv.org
	NO FURTHER ENTRIES

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R002-26P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations require candidates who are subject to campaign finance reporting to include the amount of interest accrued during each reporting period on money in their campaign accounts as part of their contribution and expense reports, and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.

As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

R003-26

ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R003-26

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

AUTHORITY: § 1, NRS 293.124 and 293.247.

A REGULATION relating to elections; establishing requirements for a postelection certification audit of electronic tabulators used in an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations for the conduct of elections. (NRS 293.247) Existing regulations provide for certain audits to be conducted after an election, including a postelection certification audit of voter verifiable paper audit trail printers and risk limiting audits. (NAC 293.255, 293.481) If a county used electronic tabulators in an election, this regulation requires a county clerk to conduct a postelection certification audit of electronic tabulators used in the election. This regulation sets forth the process for the county clerk to conduct such an audit and requires, if any discrepancy is discovered during the audit, the county clerk to immediately notify the Secretary of State and investigate the cause of the discrepancy. Additionally, this regulation requires the county clerk to transmit the results of the postelection certification audit to the Secretary of State within 9 days after the date of the election but before the canvass and to include in the results an explanation of any discrepancy discovered by the clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur. Finally, this regulation prohibits any member of the public who observes such an audit from interfering with the conduct of the audit.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If a county used electronic tabulators in an election, the county clerk of the county shall, after the election, conduct a postelection certification audit of electronic tabulators

randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the electronic tabulator accurately records all votes cast by voters on a paper ballot.

2. A county clerk must conduct a postelection certification audit of an electronic tabulator by comparing each vote cast for the candidate or ballot measure selected to be audited pursuant to subsection 3 or 4 which was recorded on a paper ballot to each vote cast for such candidate or measure which was tabulated by the electronic tabulator. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in this State pursuant to applicable state and federal law.

3. A county clerk of a county whose population is 100,000 or more who conducts a postelection certification audit of electronic tabulators pursuant to this section shall randomly select a number of electronic tabulators equal to 2 percent of the number of electronic tabulators used in the election, or not less than three electronic tabulators, whichever is greater. From each electronic tabulator selected pursuant to this subsection, the county clerk shall audit the results of one race for state or federal office or for a statewide measure, one race for a county office or for a countywide measure and one additional race randomly selected from races tabulated on the electronic tabulator. The audit must compare votes cast in person during the period for early voting by personal appearance and on election day that were tabulated by the randomly selected tabulators.

4. A county clerk of a county whose population is less than 100,000 who conducts a postelection certification audit of electronic tabulators pursuant to this section shall randomly select a number of electronic tabulators equal to 2 percent of the number of electronic

tabulators used in the election in the county, or not less than one electronic tabulator, whichever is greater. From each electronic tabulator selected pursuant to this subsection, the county clerk shall audit the results of one race for state or federal office or for a statewide measure, one race for a county office or for a countywide measure and one additional race randomly selected from races tabulated on the electronic tabulator. The audit must compare votes cast in person during the period for early voting by personal appearance and on election day that were tabulated by the randomly selected tabulators.

5. If any discrepancy is discovered during a postelection certification audit conducted pursuant to this section, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy.

6. The county clerk shall transmit the results of the postelection certification audit to the Secretary of State within 9 days after the date of the election but before the canvass. The results of the audit must include, without limitation, an explanation of any discrepancy discovered by the clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.

7. Any member of the public who observes a postelection certification audit conducted pursuant to this section shall not interfere with the conduct of the audit.

8. As used in this section:

(a) "County office" means an elected county office whose candidates are voted upon in the election by the registered voters of one county.

(b) "Federal office" means the elected federal office of President of the United States, Vice President of the United States, United States Senator or Representative in Congress.

(c) "State office" means the elected state office of Governor, Lieutenant Governor, State Senator, State Assemblymember, justice of the Supreme Court, judge of the Court of Appeals, Attorney General, State Controller, Secretary of State, State Treasurer or a member of the Board of Regents of the University of Nevada.

R003-26P
February 17, 2026

Informational Statement

The information required by NRS 233B.066 is provided below:

1. **A clear and concise explanation of the need for the adopted regulation.**
   NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of this proposed regulation is to ensure the integrity and transparency of elections by establishing uniform standards for conducting postelection certification audits of electronic tabulators, including procedures for random selection, reporting, and resolution of discrepancies. This regulation promotes consistent administration of election audits across all counties and helps maintain public confidence in election results.

2. **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.**
   The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B.

   All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

   A workshop was held regarding this regulation on January 16, 2026 and the adoption hearing was held on February 17, 2026. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

   https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

   Written comments received prior to each adoption hearing are available upon request.

   There was limited public response about this regulation. Comments received generally expressed concern about audit procedures, including the proposed 1% sampling rate, the timing of tabulation on central scanners, and the observability of digital vote transfer media.

3. **The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

   Workshop date: January 16, 2026
   (a) Number in attendance: 4
   (b) Number testifying: 0
   (c) Written statements submitted: 1

   Adoption Hearing date: February 17, 2026
   (a) Number in attendance: 5
   (b) Number testifying: 0

(c) Written statements submitted: 0

4. **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; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**
   Please see the attached spreadsheet for details.

5. **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.**
   Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

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 regulation was adopted with minor changes to improve clarity and flexibility. Subsection 3 was revised to remove the fixed 1% audit requirement, allowing county election officials to conduct larger audits as needed. Subsection 5 was amended to require review of any discrepancy rather than only four or more, strengthening the standard for identifying potential issues during postelection certification audits. These changes maintain consistency with statutory requirements while enhancing the effectiveness and transparency of the audit process.

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: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**
   These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

8. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There is no anticipated cost related to the enforcement of the proposed regulation.

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.**
   The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

10. **If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
    This regulation does not include provisions which are more stringent than a federal regulation which regulates 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.**
    This regulation does not provide a new fee or increase an existing fee.

(1-email count) **Workshop** **January 16, 2026**	(2-email count) **Adoption Hearing** **February 17, 2026**
Mark Wlaschin - SOS (Host)	Mark Wlaschin - SOS (Host)
Stacey Sunday SOS	Jessica Higday - SOS
Emily Espinosa - OAG	Edgar Pando - OAG
Ellen Gifford	Ellen Gifford
Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456	Oscar Williams 1540 Whisper Rock Way Reno, NV 89523 oscard@oscardeywilliams.com (775) 240-3456
NO FURTHER ENTRIES	Kaylah Maese - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 kmaese@aclunv.org
	Athar Haseebullah, Esq. - ACLU 4362 W. Cheyenne Ave. Las, Vegas, NV 89032 haseebullah@aclunv.org
	NO FURTHER ENTRIES

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB File No. R003-26P

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.
These proposed regulations do not create an economic effect on small businesses. These regulations require county clerks to conduct a postelection certification audit of electronic tabulators used in elections, set standards for random selection of tabulators to be audited, establish reporting and discrepancy procedures, and prohibit interference with audits and do not create an adverse or beneficial economic impact on small businesses in either the immediate or long-term.

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website pursuant to NRS 233B.

All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

https://www.nvsos.gov/sos/elections/election-resources/elections-regulations-2026/

Written comments received prior to each adoption hearing are available upon request.

2. The manner in which the analysis was conducted.
Each regulation was reviewed in order to confirm that there is no effect on small businesses. Additionally, the public comments received were analyzed to validate our assessment and confirmed that there is no impact to small businesses.

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; and
There are no adverse or beneficial economic effects created by these regulations.

(b) Both direct and indirect effects.
There are no direct or indirect economic effects created by these regulations.

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.

As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The estimated cost to the agency for enforcement of the proposed regulation.
There is no estimated cost to the Office of the Secretary of State for enforcement of these proposed regulations.

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

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.
This regulation does not include provisions which duplicate or are more stringent than a federal, state, or local standard regulating the same activity.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
The agency determined that these regulations do not create an economic effect on small businesses.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.
Each regulation was reviewed in order to confirm that there is no effect on small businesses.

I hereby certify that 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 the statement was prepared properly and is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

Regulations Submitted
Pursuant to NRS 233B.0675

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

FEBRUARY 26, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2024 REGULATIONS		
R080-24	**388A**	**STATE PUBLIC CHARTER SCHOOL AUTHORITY** A REGULATION revising various provisions relating to charter schools **CONTACT Katie Broughton (775) 399-3397** **kbroughton@spcsa.nv.gov**

REVISED ADOPTED REGULATION OF THE

STATE PUBLIC CHARTER SCHOOL AUTHORITY

LCB File No. R080-24

August 19, 2025

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

AUTHORITY: §§ 1-5, 7 and 10, NRS 388A.168; § 6, NRS 388A.168 and 388A.258; §§ 8 and 9, NRS 388A.168 and 388A.438.

A REGULATION relating to charter schools; reorganizing certain provisions relating to the process for the State Public Charter School Authority to approve an application to form a charter school or a request to amend a charter contract; revising provisions relating to a request to amend a charter contract; revising the terms for which the Authority may renew a charter contract; repealing authority for the Executive Director of the Authority to develop an abbreviated application to form a charter school; repealing provisions relating to the use of certain gifts, grants, bequests or donations; making various other changes relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Public Charter School Authority to adopt regulations that prescribe: (1) the process for submission to the Authority of an application to form a charter school, and the contents of such an application; (2) the process for submission to the Authority of an application to renew a charter contract, and the contents of such an application; (3) the process for submission to the Authority of an amendment to a charter contract, and the contents of the application; and (4) the procedure for the investigation that the Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the Authority will use to evaluate such applications. (NRS 388A.168)

Existing regulations provide that: (1) the Authority may specify additional conditions when approving an application to form a charter school or a request to amend a charter contract for certain purposes, including for the purpose of occupying additional facilities; and (2) if an applicant or charter school fails to comply with the additional conditions specified by the Authority, the Executive Director of the Authority may prohibit the charter school from beginning or continuing to operate as a charter school. (NAC 388A.410) **Sections 3-6** of this regulation reorganize these provisions into existing regulations that set forth the application requirements to form a charter school or amend a charter contract. **Section 5** further provides that the Authority may specify additional conditions when approving any request to amend a charter

contract, not just a request to amend a charter contract for the purpose of occupying additional facilities.

Existing regulations provide that, with certain exceptions, an application to form a charter school must be submitted to the Authority by an applicant between April 15 and April 30 of each year. (NAC 388A.260) **Sections 4 and 10** of this regulation provide instead that, beginning on January 1, 2027, such an application must be submitted to the Authority between January 15 and January 31 of each year.

Existing regulations require a charter school sponsored by the Authority that wishes to amend the material terms of its charter contract to submit, with certain exceptions, a request to amend its charter contract to the Authority or the Executive Director: (1) on or after April 1 and on or before April 15 of each year; or (2) on or after October 1 and on or before October 15 of each year. (NAC 388A.400) **Section 5** eliminates these application deadlines. **Section 5** also eliminates a provision that authorizes, under certain circumstances, the Executive Director to recommend that the Authority require the charter school to submit a comprehensive, restated application to form a charter school for review and approval by the Authority.

Existing regulations authorize, with the approval of the Executive Director, the governing body of a charter school to submit external evaluations of academic data in an application to renew its charter contract. (NAC 388A.415) **Section 7** of this regulation eliminates the requirement that the Executive Director approve the submission of such data.

Existing regulations provide that the Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract, renew the charter contract for a term of 6 years. (NAC 388A.415) **Section 7** provides instead that such renewal be for a term of not less than 3 years and not more than 10 years.

Existing regulations authorize the Executive Director to develop an abbreviated application for submission by prospective applicants that do not have experience operating a charter school. The Authority may, at its discretion, invite a prospective applicant who submits such an abbreviated application to submit an application to form a charter school. (NAC 388A.255) **Section 9** of this regulation repeals these provisions from the Nevada Administrative Code.

Existing regulations provide that if a gift, grant, bequest or donation which requires the use of criteria, timelines, interest rates or repayment terms which differ from those established by the Authority, results in the deposit of money from a source other than the State General Fund into the Account for Charter Schools, the Authority is required, to the extent permitted by law, to expend the money in accordance with the terms of the gift, grant, bequest or donation. (NAC 388A.680) **Section 9** repeals these provisions from the Nevada Administrative Code. **Sections 1, 2 and 8** of this regulation make conforming changes to eliminate internal references to these repealed provisions.

Section 1. NAC 388A.010 is hereby amended to read as follows:

388A.010 As used in NAC 388A.010 to ~~[388A.680,]~~ ***388A.675,*** inclusive, unless the context otherwise requires, the words and terms defined in NAC 388A.015 to 388A.039, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NAC 388A.250 is hereby amended to read as follows:

388A.250 As used in NAC ~~[388A.250 to 388A.270, inclusive,]~~ ***388A.260, 388A.265 and 388A.270,*** unless the context otherwise requires, "applicant" means a charter management organization or a committee to form a charter school which submits an application to form a charter school to the State Public Charter School Authority.

NEW FIRST PARALLEL SECTION

Sec. 3. NAC 388A.260 is hereby amended to read as follows:

388A.260 1. Except as otherwise provided in this section and NAC 388A.270, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant between April 15 and April 30 of each year. The State Public Charter School Authority may, upon request and for good cause shown, accept an application to form a charter school at any time.

2. A prospective applicant must submit a written notice of intent to submit an application to form a charter school to the Executive Director, in the manner prescribed by the Executive Director, not less than 90 days before submitting the application. The notice of intent must include:

(a) The proposed name of the proposed charter school;

(b) The name, address, telephone number and electronic mail address of the person appointed pursuant to NAC 388A.115 to act as liaison between the committee to form the proposed charter school and the proposed sponsor;

(c) The name of the county and, if applicable, the address ~~[of]~~ ***or*** zip code in which the proposed charter school will be located;

(d) The zip codes that the proposed charter school seeks to serve;

(e) The grade levels that the proposed charter school seeks to serve;

(f) The number of students in each grade level that the proposed charter school seeks to serve;

(g) Whether the proposed charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk;

(h) Whether the proposed charter school will provide a program of distance education;

(i) The date and school year on which the proposed charter school will begin operation;

(j) Whether the committee to form the proposed charter school intends to contract or is considering contracting with an educational management organization or a charter management organization to provide services to the charter school and, if so, the name of the educational management organization or charter management organization; and

(k) Any other information requested by the Executive Director.

3. An application to form a charter school must comply with NAC 388A.265 and be submitted on a form prescribed by the Executive Director which must include, without limitation:

(a) A timeline for the selection of an applicant to form a charter school;

(b) Any prerequisites for conferences with and ***the*** training of an applicant;

(c) The criteria and procedures which will be used to score applications;

(d) The criteria which will be used to recommend approval of an application to form a charter school, including, without limitation, the minimum score necessary for an application to be eligible for recommendation; and

(e) The earliest date on which an applicant that is selected to form a charter school may open the charter school.

4. The State Public Charter School Authority will examine each application submitted pursuant to this section. If the State Public Charter School Authority determines that an application is incomplete or does not satisfy the requirements of this chapter or chapter 388A of NRS, the State Public Charter School Authority will not process the application. The failure of the State Public Charter School Authority to identify or notify an applicant of a deficiency during its review of an application does not constitute a waiver of the appropriate requirement. Each applicant shall ensure that its application is complete and satisfies the requirements of this chapter and chapter 388A of NRS at all times during which the application is under review by the State Public Charter School Authority.

5. An applicant may withdraw an application to form a charter school by providing written notice to the State Public Charter School Authority.

6. The State Public Charter School Authority will establish an application review panel composed of experts selected by the Executive Director who are not employed by the State Public Charter School Authority and employees of the State Public Charter School Authority to the extent such employees are available and appropriate to serve on the panel. After the State Public Charter School Authority has determined that an application is complete, the State Public Charter School Authority will:

(a) Publish on the Internet website maintained by the State Public Charter School Authority the version of the application which complies with NAC 388A.265; and

(b) Submit the application to the application review panel to:

(1) Review and score the application in accordance with the criteria described in the application; and

(2) Conduct an interview with the applicant to assess the qualifications of the applicant and the ability of the applicant to establish a high-quality charter school which may include, without limitation, one or more interviews with members of the applicant or with any proposed school leader, educational management organization or other party identified in the application. Any person interviewed pursuant to this subparagraph shall not disclose the contents of the interview to any other person.

7. The members of the application review panel established pursuant to subsection 6:

(a) Shall not discuss applications with any person other than the members of the application review panel or the State Public Charter School Authority and its employees;

(b) Shall not accept meals, entertainment, gifts or gratuities in any form from any person or organization with an interest in the results of the selection process;

(c) Shall immediately disclose to the State Public Charter School Authority the discovery of any past or present relationship with an applicant, including, without limitation, with any current or prospective employee, agent, officer or director of the sponsor of the proposed charter school, any affiliated entity or any other person with an interest in the application; and

(d) Shall complete a questionnaire regarding conflicts of interest prescribed by the Executive Director to ensure that each member has no pecuniary interest in the approval or denial of any application which he or she may review.

8. After the application review panel reviews and scores an application and conducts an interview with the applicant, the panel must submit its recommendation and supporting information to the Executive Director. The Executive Director or his or her designee shall consider the recommendations of the application review panel, draft a staff recommendation and

forward the staff recommendation and the application to the State Public Charter School Authority for review. The State Public Charter School Authority:

(a) Will review and evaluate all application materials according to the criteria established in subsection 9;

(b) May consider the score given to the application by the application review panel and consider the staff recommendation forwarded pursuant to ***this*** subsection ***;*** ~~[8;]~~ and

(c) Will determine whether to approve the application to form a charter school.

9. The State Public Charter School Authority will consider, without limitation, whether the applicant has demonstrated the capacity to:

(a) Further the purposes for the establishment of charter schools pursuant to chapter 388A of NRS;

(b) Comply with all laws and regulations affecting charter schools, including, without limitation, laws and regulations concerning pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted and talented pupils;

(c) Meet its projections for enrollment through a demonstration of support for the proposed charter school in the communities from which pupils would be likely to enroll;

(d) Develop and implement a plan for recruitment and retention consistent with the provisions of this chapter and chapter 388A of NRS;

(e) Involve parents and guardians as partners in the education of their children;

(f) Develop a proposed program which enhances options for pupils in the areas served by the proposed charter school;

(g) Develop a management structure and plan which enables the proposed charter school to function at a high level of performance and which will achieve the goals and mission set forth in

its charter contract, including, without limitation, information about the proposed staff and members of the governing body of the proposed charter school and the roles, responsibilities and manner of selection of the governing body;

(h) Develop bylaws which govern the governing body of the proposed charter school in a manner consistent with this chapter and chapter 388A of NRS;

(i) Develop a management structure and plan which enables the governing body of the proposed charter school to oversee multiple campuses or a network of charter schools, including the roles and responsibilities of school leaders and administrators, if applicable;

(j) Assure that pupils enrolled in the proposed charter school will meet the same performance standards and assessment requirements for pupils in other public schools;

(k) Develop goals for each year of the charter contract for the proposed charter school to help measure the progress and success of the school in fulfilling the terms of its charter which:

(1) Supplement, but do not supplant, the indicators, metrics and measurements contained in the performance framework established by the State Public Charter School Authority; and

(2) Are specific to the mission of the proposed charter school, if applicable;

(l) Effectively administer its educational programs, school operations and finances in accordance with state and federal laws and regulations and the provisions of any applicable federal grant for charter schools;

(m) Establish a process to provide to pupils, parents, guardians, the State Public Charter School Authority, other interested parties and the public all information required to be provided by state and federal laws and regulations and to provide to the State Public Charter School Authority, the Department of Education, the State Board of Education, the Governor and the Legislative Counsel Bureau such information as those entities may request;

(n) Develop an enrollment policy consistent with federal laws and regulations, this chapter and chapter 388A of NRS;

(o) Ensure the thoroughness and accuracy of the information contained in its application;

(p) Provide school facilities which comply with all applicable municipal building codes and other applicable laws and which are adequate to meet the program requirements of the proposed charter school;

(q) Develop a governing body with the capacity to effectively govern the proposed charter school and, if applicable, to effectively govern more than one campus or school; and

(r) Build a network of charter schools, if applicable.

10. If an applicant, any person who is a member of a group comprising an applicant, any vendor or educational management organization which is proposed to contract with the charter school or any person proposed to be employed by the charter school or by a vendor or educational management organization which is proposed to contract with the charter school has a current or previous relationship with a charter school in this or any other state, the State Public Charter School Authority and the Executive Director may consider all information relating to the performance of such a charter school when evaluating the application of the applicant, including, without limitation, any information reported to the general public or the State Public Charter School Authority by other sponsors of charter schools or by other clients of the vendor or educational management organization.

11. ***The State Public Charter School Authority may specify additional conditions when approving an application to form a charter school. If an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority,***

the Executive Director may prohibit the charter school from beginning to operate as a charter school.

12. The decision of the State Public Charter School Authority on whether to approve an application to form a charter school is a final decision.

~~[12.]~~ ***13.*** If the State Public Charter School Authority approves an application to form a charter school pursuant to this section, the applicant must:

(a) Submit a draft of each document required pursuant to NAC 388A.410 to the State Public Charter School Authority for review and approval before opening the charter school; and

(b) Execute a charter contract within 45 days after approval of its application to form a charter school. The State Public Charter School Authority may revoke approval of an application to form a charter school if the applicant fails to comply with this paragraph.

NEW SECOND PARALLEL SECTION

Sec. 4. NAC 388A.260 is hereby amended to read as follows:

388A.260 1. Except as otherwise provided in this section and NAC 388A.270, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant between ~~[April 15 and April 30]~~ ***January 15 and January 31*** of each year. The State Public Charter School Authority may, upon request and for good cause shown, accept an application to form a charter school at any time.

2. A prospective applicant must submit a written notice of intent to submit an application to form a charter school to the Executive Director, in the manner prescribed by the Executive Director, not less than 90 days before submitting the application. The notice of intent must include:

(a) The proposed name of the proposed charter school;

(b) The name, address, telephone number and electronic mail address of the person appointed pursuant to NAC 388A.115 to act as liaison between the committee to form the proposed charter school and the proposed sponsor;

(c) The name of the county and, if applicable, the address or zip code in which the proposed charter school will be located;

(d) The zip codes that the proposed charter school seeks to serve;

(e) The grade levels that the proposed charter school seeks to serve;

(f) The number of students in each grade level that the proposed charter school seeks to serve;

(g) Whether the proposed charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk;

(h) Whether the proposed charter school will provide a program of distance education;

(i) The date and school year on which the proposed charter school will begin operation;

(j) Whether the committee to form the proposed charter school intends to contract or is considering contracting with an educational management organization or a charter management organization to provide services to the charter school and, if so, the name of the educational management organization or charter management organization; and

(k) Any other information requested by the Executive Director.

3. An application to form a charter school must comply with NAC 388A.265 and be submitted on a form prescribed by the Executive Director which must include, without limitation:

(a) A timeline for the selection of an applicant to form a charter school;

(b) Any prerequisites for conferences with and the training of an applicant;

(c) The criteria and procedures which will be used to score applications;

(d) The criteria which will be used to recommend approval of an application to form a charter school, including, without limitation, the minimum score necessary for an application to be eligible for recommendation; and

(e) The earliest date on which an applicant that is selected to form a charter school may open the charter school.

4. The State Public Charter School Authority will examine each application submitted pursuant to this section. If the State Public Charter School Authority determines that an application is incomplete or does not satisfy the requirements of this chapter or chapter 388A of NRS, the State Public Charter School Authority will not process the application. The failure of the State Public Charter School Authority to identify or notify an applicant of a deficiency during its review of an application does not constitute a waiver of the appropriate requirement. Each applicant shall ensure that its application is complete and satisfies the requirements of this chapter and chapter 388A of NRS at all times during which the application is under review by the State Public Charter School Authority.

5. An applicant may withdraw an application to form a charter school by providing written notice to the State Public Charter School Authority.

6. The State Public Charter School Authority will establish an application review panel composed of experts selected by the Executive Director who are not employed by the State Public Charter School Authority and employees of the State Public Charter School Authority to the extent such employees are available and appropriate to serve on the panel. After the State Public Charter School Authority has determined that an application is complete, the State Public Charter School Authority will:

(a) Publish on the Internet website maintained by the State Public Charter School Authority the version of the application which complies with NAC 388A.265; and

(b) Submit the application to the application review panel to:

(1) Review and score the application in accordance with the criteria described in the application; and

(2) Conduct an interview with the applicant to assess the qualifications of the applicant and the ability of the applicant to establish a high-quality charter school which may include, without limitation, one or more interviews with members of the applicant or with any proposed school leader, educational management organization or other party identified in the application. Any person interviewed pursuant to this subparagraph shall not disclose the contents of the interview to any other person.

7. The members of the application review panel established pursuant to subsection 6:

(a) Shall not discuss applications with any person other than the members of the application review panel or the State Public Charter School Authority and its employees;

(b) Shall not accept meals, entertainment, gifts or gratuities in any form from any person or organization with an interest in the results of the selection process;

(c) Shall immediately disclose to the State Public Charter School Authority the discovery of any past or present relationship with an applicant, including, without limitation, with any current or prospective employee, agent, officer or director of the sponsor of the proposed charter school, any affiliated entity or any other person with an interest in the application; and

(d) Shall complete a questionnaire regarding conflicts of interest prescribed by the Executive Director to ensure that each member has no pecuniary interest in the approval or denial of any application which he or she may review.

8. After the application review panel reviews and scores an application and conducts an interview with the applicant, the panel must submit its recommendation and supporting information to the Executive Director. The Executive Director or his or her designee shall consider the recommendations of the application review panel, draft a staff recommendation and forward the staff recommendation and the application to the State Public Charter School Authority for review. The State Public Charter School Authority:

(a) Will review and evaluate all application materials according to the criteria established in subsection 9;

(b) May consider the score given to the application by the application review panel and consider the staff recommendation forwarded pursuant to this subsection; and

(c) Will determine whether to approve the application to form a charter school.

9. The State Public Charter School Authority will consider, without limitation, whether the applicant has demonstrated the capacity to:

(a) Further the purposes for the establishment of charter schools pursuant to chapter 388A of NRS;

(b) Comply with all laws and regulations affecting charter schools, including, without limitation, laws and regulations concerning pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted and talented pupils;

(c) Meet its projections for enrollment through a demonstration of support for the proposed charter school in the communities from which pupils would be likely to enroll;

(d) Develop and implement a plan for recruitment and retention consistent with the provisions of this chapter and chapter 388A of NRS;

(e) Involve parents and guardians as partners in the education of their children;

(f) Develop a proposed program which enhances options for pupils in the areas served by the proposed charter school;

(g) Develop a management structure and plan which enables the proposed charter school to function at a high level of performance and which will achieve the goals and mission set forth in its charter contract, including, without limitation, information about the proposed staff and members of the governing body of the proposed charter school and the roles, responsibilities and manner of selection of the governing body;

(h) Develop bylaws which govern the governing body of the proposed charter school in a manner consistent with this chapter and chapter 388A of NRS;

(i) Develop a management structure and plan which enables the governing body of the proposed charter school to oversee multiple campuses or a network of charter schools, including the roles and responsibilities of school leaders and administrators, if applicable;

(j) Assure that pupils enrolled in the proposed charter school will meet the same performance standards and assessment requirements for pupils in other public schools;

(k) Develop goals for each year of the charter contract for the proposed charter school to help measure the progress and success of the school in fulfilling the terms of its charter which:

(1) Supplement, but do not supplant, the indicators, metrics and measurements contained in the performance framework established by the State Public Charter School Authority; and

(2) Are specific to the mission of the proposed charter school, if applicable;

(l) Effectively administer its educational programs, school operations and finances in accordance with state and federal laws and regulations and the provisions of any applicable federal grant for charter schools;

(m) Establish a process to provide to pupils, parents, guardians, the State Public Charter School Authority, other interested parties and the public all information required to be provided by state and federal laws and regulations and to provide to the State Public Charter School Authority, the Department of Education, the State Board of Education, the Governor and the Legislative Counsel Bureau such information as those entities may request;

(n) Develop an enrollment policy consistent with federal laws and regulations, this chapter and chapter 388A of NRS;

(o) Ensure the thoroughness and accuracy of the information contained in its application;

(p) Provide school facilities which comply with all applicable municipal building codes and other applicable laws and which are adequate to meet the program requirements of the proposed charter school;

(q) Develop a governing body with the capacity to effectively govern the proposed charter school and, if applicable, to effectively govern more than one campus or school; and

(r) Build a network of charter schools, if applicable.

10. If an applicant, any person who is a member of a group comprising an applicant, any vendor or educational management organization which is proposed to contract with the charter school or any person proposed to be employed by the charter school or by a vendor or educational management organization which is proposed to contract with the charter school has a current or previous relationship with a charter school in this or any other state, the State Public Charter School Authority and the Executive Director may consider all information relating to the performance of such a charter school when evaluating the application of the applicant, including, without limitation, any information reported to the general public or the State Public Charter

School Authority by other sponsors of charter schools or by other clients of the vendor or educational management organization.

11. The State Public Charter School Authority may specify additional conditions when approving an application to form a charter school. If an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director may prohibit the charter school from beginning to operate as a charter school.

12. The decision of the State Public Charter School Authority on whether to approve an application to form a charter school is a final decision.

13. If the State Public Charter School Authority approves an application to form a charter school pursuant to this section, the applicant must:

(a) Submit a draft of each document required pursuant to NAC 388A.410 to the State Public Charter School Authority for review and approval before opening the charter school; and

(b) Execute a charter contract within 45 days after approval of its application to form a charter school. The State Public Charter School Authority may revoke approval of an application to form a charter school if the applicant fails to comply with this paragraph.

Sec. 5. NAC 388A.400 is hereby amended to read as follows:

388A.400 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its charter contract pursuant to NRS 388A.276 shall submit a request to amend its charter contract to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. ~~[Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the Executive Director on or after April 1 and on or before April 15 or on or after October 1 and on or before October 15 of each year.]~~ A charter school must submit a written

notice of intent to submit a request to amend its charter contract to the State Public Charter School Authority or the Executive Director not less than 45 days before submitting the request. The State Public Charter School Authority or the Executive Director may, upon request and for good cause shown, accept a request to amend a charter contract at any time.

2. A request to amend the terms of a charter contract relating to:

(a) The districts specified in the charter contract;

(b) The maximum enrollment of the charter school;

(c) The grades served by the charter school;

(d) A contractual relationship with an educational management organization which provides or plans to provide substantially all the educational services offered by the charter school;

(e) The acquisition and occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;

(f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;

(g) The conversion of the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school;

(h) A consolidation of the charter contract for one or more charter schools;

(i) A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740;

(j) A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils;

(k) A change to the mission statement of the charter school not described in paragraph (i) or (j); or

(l) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the charter contract, as applicable, including, without limitation:

(1) A change from a virtual or cyber school model to a blended model or classroom-based instructional model;

(2) A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or

(3) A change from a classroom-based instructional model to a virtual or cyber school model or blended model,

➥ must be submitted to the State Public Charter School Authority for approval on a form prescribed by the Executive Director.

3. A request to amend the terms of a charter contract relating to:

(a) The name of the charter school;

(b) The governance or leadership structure of the charter school;

(c) A change to the academic program of the charter school not described in subsection 2;

(d) The discipline policy of the charter school;

(e) The suspension policy of the charter school;

(f) The bylaws of the charter school or its governing body;

(g) The membership of the governing body of the charter school;

(h) The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;

(i) The accountability plan for the charter school, including, without limitation, any improvement plan required by state or federal law or the State Public Charter School Authority;

(j) The enrollment policy of the charter school and its application for admission; or

(k) The expulsion policy of the charter school,

➥ must be submitted to the Executive Director for approval on a form prescribed by the Executive Director.

4. The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval.

5. ~~[If a charter school requests an amendment to its charter contract within 18 months after a previous request for an amendment, the Executive Director may recommend that the State Public Charter School Authority require the charter school to submit a comprehensive, restated application to form a charter school for review and approval by the State Public Charter School Authority. Such a review shall include, without limitation, a de novo review of the revised academic, organizational and financial plans for the charter school, the capacity of its staff, governing body and vendors and a further review of any amendment approved by the State Public Charter School Authority within 18 months before the date of the review.~~

~~6.]~~ A charter school may not request an amendment to its charter contract unless the amendment has been voted on and approved by the governing body of the charter school pursuant to NAC 388A.305. A charter school may not implement an amendment to its charter

contract unless the amendment has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.

~~[7.]~~ ***6.*** The State Public Charter School Authority will publish each request to amend a charter contract received by the State Public Charter School Authority or the Executive Director on the Internet website maintained by the State Public Charter School Authority. The versions of the documents published pursuant to this subsection must comply with NAC 388A.405.

~~[8.]~~ ***7.*** The State Public Charter School Authority and the Executive Director may consider a charter school's compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its charter contract.

~~[9.]~~ ***8.*** The State Public Charter School Authority will not approve a request to amend the terms of a charter contract pursuant to paragraph (g) of subsection 2 unless:

(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and

(b) For a charter school requesting conversion from a single-campus school to a multi-campus school, the charter school agrees to include provisions in its charter contract which:

(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;

(2) Allow pupils from one campus of the charter school to matriculate to another campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;

(3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;

(4) Identify the name, group of grade levels to be served and location of each campus; and

(5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.

~~[10.]~~ ***9.*** A charter school which submits a request to amend the terms of its charter contract which will come into effect within 18 months before the expiration of its existing charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract in support of the application for renewal of its charter contract.

~~[11.]~~ ***10.*** If the Executive Director denies or, within 60 days after the date upon which the request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.

~~[12.]~~ ***11.*** The decision of the State Public Charter School Authority regarding whether to approve a request to amend a charter contract is a final decision.

~~[13.]~~ ***12.*** If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a charter contract, the charter school must:

(a) Submit a draft of each document required pursuant to NAC 388A.410 to the State Public Charter School Authority for review and approval before implementing the amendment; and

(b) Execute a charter contract within 45 days after approval of its request to amend its written charter or charter contract. The State Public Charter School Authority may revoke approval of a request to amend a written charter or charter contract if the charter school fails to comply with this paragraph.

13. The State Public Charter School Authority may specify additional conditions when approving a request to amend a charter contract. If a charter school fails to comply with the additional conditions specified by the State Charter School Authority, the Executive Director may prohibit the charter school from implementing the proposed amendment.

14. As used in this section:

(a) "Multi-campus school" means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which may serve the same group of grade levels or differing groups of grade levels, under one charter contract.

(b) "Single-campus school" means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.

Sec. 6. NAC 388A.410 is hereby amended to read as follows:

388A.410 ~~[1. The State Public Charter School Authority may specify additional conditions when approving an application to form a charter school or a request to amend a charter contract for the purpose of occupying additional facilities. If such an applicant or charter~~

~~school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director may prohibit the charter school from beginning or continuing to operate as a charter school.~~

~~2.~~ Upon receiving a charter contract or approval of an amendment to a charter contract, the charter school must, on or before June 30 following receipt, submit all documents required for opening to the State Public Charter School Authority, including, without limitation:

~~(a)~~ ***1.*** If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;

~~(b)~~ ***2.*** The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for the recruitment and retention of pupils;

~~(c)~~ ***3.*** The criteria and procedures for the suspension and expulsion of pupils;

~~(d)~~ ***4.*** Written documentation demonstrating that criminal background checks have been performed as required by state law;

~~(e)~~ ***5.*** Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;

~~(f)~~ ***6.*** Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;

~~(g)~~ ***7.*** If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and

~~[(h)]~~ ***8.*** Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.

Sec. 7. NAC 388A.415 is hereby amended to read as follows:

388A.415 1. The governing body of a charter school sponsored by the State Public Charter School Authority that wishes to renew its charter contract shall submit an application for renewal to the State Public Charter School Authority on a form prescribed by the Executive Director. Except as otherwise provided in this section, an application for renewal must be submitted to the State Public Charter School Authority on or after October 1 and on or before October 15. The governing body must submit a written notice of intent to submit an application for renewal to the Executive Director not less than 45 days before submitting the application for renewal. The Executive Director may, upon request and for good cause shown, accept an application for renewal at any time. The application for renewal must include, without limitation:

(a) A summary of the academic performance of the charter school as reported by the statewide system of accountability for public schools and any predecessor or successor accountability system and the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(b) A summary of the organizational performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for organizational performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic

audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;

(c) A summary of the financial performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority; and

(d) A summary of the anticipated enrollment of the charter school for the term of the renewed charter contract.

2. The governing body of a charter school that has received:

(a) Within the immediately preceding 3 consecutive school years, the highest rating of performance pursuant to the statewide system of accountability for public schools; and

(b) No notices of concern or notices of breach for academic, organizational or financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract of the charter school or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority,

➥ may request a waiver from the requirements of subsection 1 for the purpose of expedited renewal which may be granted by the State Public Charter School Authority for good cause shown.

3. In addition to the material required to be submitted pursuant to subsection 1, the governing body of a charter school:

(a) Shall submit any additional material or information requested by the Executive Director; and

(b) May ~~[, with the approval of the Executive Director,]~~ submit external evaluations of academic data. The data included in an external evaluation must be independently audited and verified by the person performing the evaluation. The governing body shall ensure that the external evaluation and the data included in the evaluation are provided directly to the State Public Charter School Authority. If the State Public Charter School Authority cannot validate the data or replicate the calculations used to generate the external evaluation, the State Public Charter School Authority will direct the school to enter into a contract for a separate independent evaluation of the data and calculations by a vendor selected by the Executive Director.

4. An application for renewal of a charter contract must not contain a material change from the existing charter contract. A governing body which wishes to both renew a charter contract and materially change the terms of the charter contract must first apply for renewal pursuant to this section and subsequently request to amend the charter contract pursuant to NAC 388A.400.

5. The Executive Director shall notify the governing body of a charter school upon receipt of an application to renew a charter contract and may, in his or her discretion, arrange for a site visit of the charter school to be conducted to obtain information relevant to the application for renewal of the charter contract. If a site visit is conducted pursuant to this subsection, the Executive Director or his or her designee shall prepare a report of the site visit.

6. The Executive Director shall review each application for renewal of a charter contract using the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract and prepare and submit to the State Public Charter School Authority a recommendation regarding the application. When making a recommendation

pursuant to this subsection, the Executive Director shall consider the evidence and data gathered relating to the past performance of the charter school, including, without limitation:

(a) The information contained in the application for renewal;

(b) Any information relating to the site visit and site visit report;

(c) The annual reporting results of the charter school, including, without limitation, those relating to the academic achievement of pupils; and

(d) Any other information that the Executive Director determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

7. If the Executive Director determines that he or she will recommend that the charter contract of a charter school should not be renewed, he or she shall give notice of his or her recommendation to the governing body of the charter school and the State Public Charter School Authority. The governing body of the charter school may request that the State Public Charter School Authority postpone consideration of its application for renewal of the charter contract to allow the governing body to prepare a response to the recommendation of the Executive Director. The governing body of the charter school may, within 7 calendar days after receipt of the Executive Director's notice, submit a written response to the State Public Charter School Authority, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument.

8. The State Public Charter School Authority will publish each application for renewal of a charter contract received by the State Public Charter School Authority pursuant to this section, each written response received pursuant to subsection 7 and each written response and request for reconsideration received pursuant to subsection ~~[14]~~ ***13*** on the Internet website maintained by the State Public Charter School Authority. The versions of the documents published pursuant to this subsection must comply with NAC 388A.420.

9. When determining whether to grant an application for renewal of a charter contract, the State Public Charter School Authority will consider the totality of the evidence presented to the State Public Charter School Authority, including, without limitation:

(a) The information contained in the application for renewal;

(b) Any information relating to the site visit and site visit report;

(c) The recommendation of the Executive Director;

(d) Any information in the written response of the governing body of the charter school to the recommendation of the Executive Director, if any, which the State Public Charter School Authority determines is relevant; and

(e) Any other information that the State Public Charter School Authority determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.

10. The State Public Charter School Authority, when considering an application for renewal of a charter contract pursuant to this section:

(a) May accept or reject, in whole or in part, the recommendation of the Executive Director; ***and***

(b) Will not give any one factor more weight than the academic performance of pupils ***.*** ~~[; and~~

~~(c) Will, on each subsequent application for renewal, give the academic performance of pupils a greater weight than that assigned to it on the first renewal.]~~

11. The State Public Charter School Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract pursuant to NRS 388A.300, in its sole discretion:

(a) Renew a charter contract for a term of ~~[6]~~ ***not less than 3 and not more than 10*** years;

(b) Renew a charter contract for a term of ~~[6]~~ ***not less than 3 and not more than 10*** years with a provision for a high stakes review under terms prescribed by the State Public Charter School Authority which may result in the termination of the charter contract before its expiration;

(c) Renew a charter contract for a term of ~~[6]~~ ***not less than 3 and not more than 10*** years with any additional provisions, requirements or restrictions which the State Public Charter School Authority determines are appropriate, including, without limitation, the termination of a management agreement or the renegotiation of a management agreement on terms satisfactory to the State Public Charter School Authority or the Executive Director;

(d) Deny the renewal of a charter contract for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 and assigning the charter contract to a charter management organization or a new governing body which may include, without limitation, the governing body of another charter school or a governing body assembled by the Executive Director;

(e) Deny the renewal of a charter contract for the purpose of restarting the charter school and issuing a new charter contract pursuant to NRS 388A.300 to a charter management organization or a new governing body, including, without limitation, the governing body of another charter school, which will inherit any assets of the charter school which remain following dissolution; or

(f) Deny the renewal of a charter contract for the purpose of closing the charter school.

12. Each charter contract renewed pursuant to this section shall contain the performance benchmarks set forth in the performance framework adopted by the State Public Charter School Authority as part of the oversight plan for the charter school.

13. ~~[The Executive Director may request the State Public Charter School Authority to reclassify a denial pursuant to paragraph (d), (e) or (f) of subsection 11 to a denial pursuant to a different paragraph of that subsection. The State Public Charter School Authority may reclassify such a denial if it determines that a different outcome is more practical or more beneficial to the interests of this State and the public, including, without limitation, pupils enrolled at the charter school.~~

~~14.]~~ If the Executive Director recommends that the State Public Charter School Authority grant an application for renewal of a charter contract but the State Public Charter School Authority decides to deny the application, the State Public Charter School Authority must provide written notification to the governing body of the charter school of the decision of the State Public Charter School Authority and the reasons therefor and of the right of the governing body to request reconsideration. The governing body of the charter school may request reconsideration by, within 5 days after receipt of the written notification from the State Public Charter School Authority, notifying the Executive Director in writing that the governing body intends to request reconsideration and, within 30 days after receipt of the written notification

from the State Public Charter School Authority, submitting a written response and request for reconsideration, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument, to the Executive Director for transmission to the State Public Charter School Authority. If no previous request for reconsideration has been made on an application for renewal of a charter contract, upon receipt of a written response and request for reconsideration, the State Public Charter School Authority may reconsider the application for renewal.

~~[15.]~~ ***14.*** The decision of the State Public Charter School Authority on whether to grant an application for renewal, unless reconsidered pursuant to subsection ~~[14,]~~ ***13,*** is a final decision. The decision of the State Public Charter School Authority on reconsideration of an application for renewal pursuant to subsection ~~[14]~~ ***13*** is a final decision.

~~[16.]~~ ***15.*** If the State Public Charter School Authority approves an application for renewal of a charter contract pursuant to this section, the governing body of the charter school must execute a charter contract within 45 days after approval of its application for renewal. The State Public Charter School Authority may revoke approval of an application for renewal of a charter contract if the governing body of the charter school fails to comply with this subsection.

Sec. 8. NAC 388A.650 is hereby amended to read as follows:

388A.650 As used in NAC 388A.650 to ~~[388A.680,]~~ ***388A.675,*** inclusive, unless the context otherwise requires, the words and terms defined in NAC 388A.655 and 388A.660 have the meanings ascribed to them in those sections.

Sec. 9. NAC 388A.255 and 388A.680 and are hereby repealed.

Sec. 10. 1. This section and sections 1, 2, 3 and 5 to 9, inclusive, of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Section 4 of this regulation becomes effective on January 1, 2027.

TEXT OF REPEALED SECTIONS

388A.255 Abbreviated application to form charter school. (NRS 388A.168, 388A.258) The Executive Director may develop an abbreviated application for submission by prospective applicants that do not have experience operating a charter school. The State Public Charter School Authority may, at its discretion, invite a prospective applicant who submits such an abbreviated application to submit an application to form a charter school.

388A.680 Use of gift, grant, bequest or donation. (NRS 388A.438) Notwithstanding the provisions of NAC 388A.650 to 388A.680, inclusive, if a gift, grant, bequest or donation which requires the use of criteria, timelines, interest rates or repayment terms which differ from those established by the State Public Charter School Authority results in the deposit of money from a source other than the State General Fund into the Account, the State Public Charter School Authority shall, to the extent permitted by law, expend the money in accordance with the terms of the gift, grant, bequest or donation.

Joe Lombardo
Governor

STATE OF NEVADA

Melissa Mackedon
Executive Director

STATE PUBLIC CHARTER SCHOOL AUTHORITY

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January 27, 2026

Legislative Review of Adopted Regulations as Required by NRS 233B.066

LCB File #R080-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. **A clear and concise explanation of the need for the adopted regulation.**
   The proposed regulatory language within R080-24 is in response to Governor Lombardo's Executive Order 2023-003, which required all Executive Branch agencies to review their regulations. The proposed language in R080-24 is intended to clean up regulatory language to streamline the work of the State Public Charter School Authority.

   This proposed regulatory change previously appeared before the Legislative Commission on December 19, 2024. The SPCSA incorporated feedback from the Legislative Commission into the version of the regulation submitted now.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was no public comment at either the workshop or the public hearing.

3. **The number of persons who:**
   a. Attended Workshop: 0; Hearing: 40
   b. Testified at Workshop: 0; Hearing: 0
   c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone**

number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.
There was no public comment at either the workshop of the public hearing.

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.**
   Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

   There was no public comment at either the workshop or the public hearing.

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 State Public Charter School Authority adopted the proposed regulation language at the public hearing held on January 23, 2026. No changes were requested, so it was adopted without change.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
   There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
   There is no additional cost to the agency for enforcement of this regulation.

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.**
   No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of 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.**
    There are none.

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 for a new fee or increase an existing fee.

STATE OF NEVADA

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NOTICE OF PUBLIC MEETING

The State Public Charter School Authority will conduct a public meeting on January 23, 2026, beginning at 9:00 a.m., at the following location(s):

Hearing Rooms Building, Room #5
7120 Amigo Street
Las Vegas, Nevada 89119

Members of the public may also view the meeting online via the link on the SPCSA Public Notice web page: https://charterschools.nv.gov/News/Public_Notices/ or by using this link to access the Livestream directly: https://youtube.com/live/B59ja1iX3bU
This public meeting will be conducted in accordance with Nevada's Open Meeting Law, NRS 241.020.

Public Comment: Time for public comment will be provided at the beginning of the meeting regarding any agenda items on which action may be taken by the public body and again before the adjournment of the meeting on any matter within the jurisdiction of the State Public Charter School Authority. See NRS 241.020(2)(d)(3)(I). In addition to these two public comment periods, public comment may also be taken during specific agenda items as noted on the agenda or at the discretion of the Authority Chair.

Public comment can be provided telephonically by dialing 888-475-4499. When prompted, provide Meeting ID: 828 1788 6600#. Callers will be asked to press *9 to take their place in the queue.

Finally, public comment may also be submitted in writing via email at publiccomment@spcsa.nv.gov, and any such public comment received prior to or during the meeting will be provided to the Authority and included in the written minutes of the meeting.

A time limit of three (3) minutes, subject to the discretion of the Authority Chair, will be imposed on public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Authority. Public comment will not be restricted based on viewpoint.

The Authority reserves the right to take agenda items out of order, items may be removed or delayed from the agenda at any time, and two or more items may be combined for consideration.

The Authority is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Authority, in writing, at 500 E. Warm Springs, Suite 116, Las Vegas, NV 89119; via email at info@spcsa.nv.gov; via phone at 725-281-1367.

AGENDA

1. Call to Order, Roll Call, and Pledge of Allegiance.

2. Public Comment #1. *Public Comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. See NRS 241.020. A time limit of three (3) minutes, subject to the discretion of the Chair, will be imposed on public comments. The Authority Chair may allow additional public comment at her discretion. Public Comment #2 will provide an opportunity for public comment on any matter not on the agenda.*

3. Hearing for the Adoption of Regulations of the State Public Charter School Authority as proposed in LCB File #R080-24.
   Melissa Mackedon, Executive Director. ***For Possible Action***.

4. Approval of Consent Agenda
   a. December 12, 2025, SPCSA Board Meeting Action Minutes
   b. Acing Accountability Report (NRS 385A.080)
   c. Charter School Contract Amendments – Reduction to Enrollment Caps
      i. Do and Be Arts Academy of Excellence
      ii. Vegas Vista Academy
   Kurt Thigpen, Chair. ***For Possible Action***.

5. SPCSA Charter School Governing Body Governance Standards. A member of the Authority will briefly discuss the Governance Standards adopted by the Authority pursuant to NRS 388A.224 (2024).
   A member of the SPCSA Board. ***Information and Discussion.***

6. SPCSA Executive Director's Report. Executive Director Mackedon will provide the Authority with information and updates regarding the following:
   a. School Highlight
   b. Delinquent schools PERS contributions
   c. New Schools Update
   d. Pre-K
   e. Growth Management Plan pursuant to NRS 388A.167
   Melissa Mackedon, Executive Director. ***Information and Discussion.***

7. Nevada Prep Update.
   a. Forensic Audit Findings - Greenflash Forensic Auditors will present the findings of its forensic audit based on a whistleblower complaint.
   b. Josh Kern will provide his preliminary Closing Administrator report and recommendations regarding the wind down of Nevade Prep.
   Melissa Mackedon, Executive Director. ***Information and Discussion.***

8. Academies of Math and Science (AMS) application to form a charter school. AMS will present a plan specific to restarting Nevada Prep Charter School pursuant to NAC 388A.270.
   Melissa Mackedon, Executive Director. ***For Possible Action.***

9. Financial Performance Framework Ratings for the 2024-2025 Fiscal Year. SPCSA staff will provide the Authority with charter holder level results under the SPCSA Financial Performance Framework for the 2024-2025 fiscal year.
   Katie Broughton, Director of Authorizing. ***For Possible Action***.

10. Alpine Academy – SPCSA staff recommends a Notice of Concern be issued to Alpine Academy due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Issue a financial Notice of Concern to Alpine Academy
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

11. Discovery Charter School – SPCSA staff recommends the Notice of Concern be removed from Discovery Charter School due to the improved ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Remove the financial Notice of Concern from Discovery Charter School
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

12. Equipo Academy – SPCSA staff recommends the Notice of Concern be removed from Equipo Academy due to the improved ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Remove the financial Notice of Concern from Equipo Academy
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

13. Explore Academy – SPCSA staff recommends the Notice of Breach be continued for Explore Academy due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Continue the financial Notice of Breach for Explore Academy
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

14. Nevada State High School Flagship – SPCSA staff recommends no action for Nevada State High School Flagship due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. No Action for Nevada State High School Flagship
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

15. Nevada Prep Charter School – SPCSA staff recommends the Notice of Breach be continued for Nevada Prep Charter School due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Continue the financial Notice of Breach for Nevada Prep Charter School
    Katie Broughton, Director of Authorizing. ***For Possible Action***

16. Pinecrest Academy of Northern Nevada – SPCSA staff recommends the Notice of Concern be removed from Pinecrest Academy of Northern Nevada due to the improved ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Remove the financial Notice of Concern from Pinecrest Academy of Northern Nevada
    Katie Broughton, Director of Authorizing. ***For Possible Action***.

17. Sage Collegiate Public Charter School – SPCSA staff recommends the Notice of Breach be continued for Sage Collegiate Public Charter School due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Continue the financial Notice of Breach for Sage Collegiate Public Charter School

    Katie Broughton, Director of Authorizing. ***For Possible Action***

18. Vegas Vista Academy – SPCSA staff recommends no action for Vegas Vista Academy due to the ratings on the SPCSA Financial Performance Framework for fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. No Action for Vegas Vista Academy

    Katie Broughton, Director of Authorizing. ***For Possible Action***.

19. Young Women's Leadership Academy – SPCSA staff recommends the Notice of Concern be continued for Young Women's Leadership Academy due to the ratings on the SPCSA Financial Performance Framework for the fiscal year 2024-2025. Any school remarks under this item will be limited to a maximum of five minutes.
    a. Continue the financial Notice of Concern for Young Women's Leadership Academy

    Katie Broughton, Director of Authorizing. ***For Possible Action***.

20. SPCSA Annual Review and Overview of SPCSA-Sponsored Public Charter Schools. SPCSA staff will provide the Authority with the SPCSA's Annual Report regarding SPCSA-sponsored public charter schools and progress towards meeting strategic goals. Information will include a summary of Nevada's Department of Education's Nevada School Performance Framework (NSPF) results, state assessments, graduation rates, and demographic information compared to statewide and the school district information.
    Melissa Mackedon, Executive Director. ***Information and Discussion.***

21. Long-Range Calendar. The Board will review and discuss its long-range calendar. Assign board members to complete Governance Standard review.
    Melissa Mackedon, Executive Director. ***Information and Discussion.***

22. Public Comment #2. *Public comment will be taken during this agenda item on any matter not on the agenda. See NRS 241.020(d)(3). No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. A time limit of three (3) minutes, subject to the discretion of the Chair, will be imposed on public comments. The Authority Chair may allow additional public comment at her discretion.*

23. Adjournment.

Supporting materials for items listed on the above-referenced agenda are available, at no charge, at the State Public Charter School Authority's website, http://charterschools.nv.gov/, or by contacting Teresa Potter, Board Secretary, at 500 E. Warm Springs, Ste. 116, Las Vegas, NV 89119. In accordance with Nevada's Open Meeting Law, this public notice and agenda has been posted on or before January 16, 2026, as follows:

At the State Public Charter School Authority's website, http://charterschools.nv.gov/, and

At the State of Nevada's official website, https://notice.nv.gov/.

At the following locations:

The State Public Charter School Authority, 3427 Goni Road, Suite 103, Carson City, Nevada 89706

The State Public Charter School Authority, 500 East Warm Springs, Ste. 116, Las Vegas, Nevada 89119

DECLARATION OF POSTING

Pursuant to NRS 53.045, I declare under penalty of perjury that the following is true and correct:

That on or before 1/16/26 at 5:00 pm, this Public Notice and Agenda was posted at the above-referenced websites and locations.

Teresa Potter
State Public Charter School Authority

Joe Lombardo
Governor

STATE OF NEVADA

Melissa Mackedon
Executive Director

STATE PUBLIC CHARTER SCHOOL AUTHORITY

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January 23, 2026

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the State Public Charter School Authority as proposed in LCB File #R080-24.

The State Public Charter School Authority will hold a public hearing at **9:00AM on Friday, January 23, 2026,** at the **Nevada Legislature Hearing Rooms Building, Room #3 at 7120 Amigo Street, Las Vegas, NV 89119**. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to 388A.010, 388A.250, 388A.255, 388A.260, 388A.400, 388A.410, 388A.415, 388A.650 and 388A.680 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**

   Streamline and clarify the processes of the State Public Charter School Authority.

2. **If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel Bureau pursuant to NRS 233B.063:**

   The revised text of the proposed regulation is attached to this notice.

3. **Description of the proposed regulation, or the subjects and issues involved:**

   This regulation reorganizes certain provisions relating to the process for the State Public Charter School Authority to approve an application to form a charter school or request to amend a charter contract. Additionally, it revises the terms for which the Authority may renew a charter contract. It repeals authority for the Executive Director of the Authority to develop an abbreviated application to form a charter school and repeals provisions relating to the use of certain gifts, grants, bequests, or donations.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:**

   There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Method used by the agency in determining the impact on a small business:**

   Small business is not impacted by this regulation.

6. **Estimated cost to the agency for the enforcement of the proposed regulation:**

   There is no cost to the agency for the enforcement of this regulation.

7. **Description and citation of the duplicative or overlapping regulations of other state or local governmental agencies:**

   There is no duplication or overlap of regulations of state or local governmental agencies.

8. **Is the regulation required by federal law?**

   This regulation is not required by federal law.

9. **Does the regulation include provisions more stringent that a federal regulation regarding the same activity?**

   There are no federal laws affecting or overlapping the proposed regulation.

10. **Does the proposed regulation establish a new fee or increase an existing fee?**

    The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing; on the Public Notices Page of the SPCSA website; or, by contacting Katie Broughton, via email at kbroughton@spcsa.nv.gov. Persons wishing to comment upon the proposed action of the SPCSA may provide in-person testimony, submit written comment to publiccomment@spcsa.nv.gov, or submit their comments, data, views, or arguments in written form to the State Public Charter School Authority at **500 East Warm Springs Rd, Suite 116 Las Vegas, NV 89119.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via email must be received by the SPCSA on or before Thursday, November 13. A record of all submitted comments will be retained, and the SPCSA will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agency's mailing list; posted on the SPCSA's website, Nevada's Public Notice site, the Nevada State Legislature's webpage; and, physically posted at the State Public Charter School Authority's offices and with the Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Joe Lombardo
Governor

STATE OF NEVADA

Melissa Mackedon
Executive Director

STATE PUBLIC CHARTER SCHOOL AUTHORITY

3427 Goni Rd, Suite 103
Carson City, Nevada 89706
(775) 687-9174 · Fax (775) 687-9113

500 East Warm Springs Rd, Suite 116
Las Vegas, Nevada 89119
(702) 486-8895 · Fax (702) 486-5543

NOTICE OF PUBLIC MEETING

The State Public Charter School Authority will conduct a public meeting on May 30, 2025, beginning at 8:30 a.m., at the following location:

Nevada Department of Education
First Floor Board Room
2080 East Flamingo Road
Las Vegas, Nevada 89119

Members of the public may also view the meeting online via the link on the SPCSA Public Notice web page: https://charterschools.nv.gov/News/Public_Notices/ or by using this link to access the Livestream directly: https://www.youtube.com/watch?v=u7Ah78XR65A.

This public meeting will be conducted in accordance with Nevada's Open Meeting Law, NRS 241.020.

Public Comment: Time for public comment will be provided at the beginning of the meeting regarding any agenda items on which action may be taken by the public body and again before the adjournment of the meeting on any matter within the jurisdiction of the State Public Charter School Authority. See NRS 241.020(2)(d)(3)(I). In addition to these two (2) public comment periods, public comment may also be taken during specific agenda items as noted on the agenda or at the discretion of the Authority Chair.

Public comment may also be provided telephonically by utilizing the following conference call line: 1-775-321-6111; extension 313 298 570#. During the public comment periods, callers will dial *5 to raise their hand. The moderator will call out the last 4 numbers of the caller's phone number. At that time, you will dial *6 to unmute and make comment.

Finally, public comment may also be submitted in writing via email at publiccomment@spcsa.nv.gov, and any such public comment received prior to or during the meeting will be provided to the Authority and included in the written minutes of the meeting.

A time limit of three (3) minutes, subject to the discretion of the Executive Director, will be imposed on public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Authority. Public comment will not be restricted based on viewpoint.

The Authority reserves the right to take agenda items out of order, items may be removed or delayed from the agenda at any time, and two or more items may be combined for consideration.

The Authority is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Authority, in writing, at 500 E. Warm Springs, Suite 116, Las Vegas, NV 89119; via email at info@spcsa.nv.gov; via phone at 702-486-8895.

AGENDA

1) Call to Order.

2) Public Comment #1.
Public Comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. See NRS 241.020. A time limit of three (3) minutes, subject to the discretion of the Executive Director, will be imposed on public comments. The Executive Director may allow additional public comment at her discretion. Public Comment #2 will provide an opportunity for public comment on any matter not on the agenda.

3) 8:30 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388A.260 – Application to form a charter school.
Melissa Mackedon, Executive Director. ***Information/Discussion***

4) Public Comment #2.
Public comment will be taken during this agenda item on any matter not on the agenda. See NRS 241.020(d)(3). No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. A time limit of three (3) minutes, subject to the discretion of the Executive Director, will be imposed on public comments. The Executive Director may allow additional public comment at her discretion.

5) Adjournment.

Supporting materials for items listed on the above-referenced agenda are available, at no charge, at the State Public Charter School Authority's website, http://charterschools.nv.gov/, or by contacting Katie Broughton, at 500 E. Warm Springs Rd, Suite 116, Las Vegas, NV 89119; via email at kbroughton@spcsa.nv.gov, or via phone at 775-399-3397.

In accordance with Nevada's Open Meeting Law, this public notice and agenda has been posted on or before May 15, 2025, as follows:

At the State Public Charter School Authority's website, http://charterschools.nv.gov/, and
At the State of Nevada's official website, https://notice.nv.gov/.

At the following locations:

The State Public Charter School Authority, 3427 Goni Road, Suite 103, Carson City, Nevada 89706; and
The State Public Charter School Authority, 500 East Warm Springs, Suite 116, Las Vegas, Nevada 89119

DECLARATION OF POSTING

Pursuant to NRS 53.045, I declare under penalty of perjury that the following is true and correct:

That on or before May 15, 2025,, this Public Notice and Agenda was posted at the above-referenced websites and locations.

Teresa Potter
State Public Charter School Authority

Joe Lombardo
Governor

STATE OF NEVADA

Melissa Mackedon
Executive Director

STATE PUBLIC CHARTER SCHOOL AUTHORITY

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: May 30, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to Nevada Administrative Code 388A.260 – Application to form a charter school.

I, Melissa Mackedon, being the duly appointed Executive Director of the State Public Charter School Authority, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulatory changes regarding the application to form a charter school is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed and the Authority considered its history with implementing similar regulations; the proposed changes are within the scope of the Authority's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Sincerely,

M. Mackedon

Melissa Mackedon
Executive Director, State Public Charter School Authority