Regulations Submitted
Pursuant to NRS 233B.067

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

JUNE 30, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2023 REGULATIONS		
R030-23	**704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION revising provisions relating to action plans **CONTACT Adam Baker (702) 486-7231** **abaker@puc.nv.gov**
2024 REGULATIONS		
R124-24	**349**	**BOARD FOR FINANCING WATER PROJECTS** A REGULATION revising provisions relating to financing of water projects **CONTACT Sheryl Fontaine (775) 687-9374** **sfontaine@ndep.nv.gov**
R127-24	**648**	**PRIVATE INVESTIGATOR'S LICENSING BOARD** A REGULATION revising various provisions relating to licenses **CONTACT Vincent Saladino (702) 486-5066** **vsaladino@pilb.nv.gov**
R145-24	**519A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising provisions relating to the trust fund for short-term fluid management **CONTACT Danilo Dragoni (775) 687-9340** **ddragoni@ndep.nv.gov**
R146-24	**445A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising various provisions relating to standards for water quality **CONTACT Jason Kuchnicki (775) 687-9450** **kuchnicki@ndep.nv.gov**
R188-24	**557**	**STATE DEPARTMENT OF AGRICULTURE** A REGULATION establishing definitions relating to THC levels **CONTACT Raymond Saliga (702) 540-4832** **rsaliga@agri.nv.gov**

R193-24	**635**	**NEVADA STATE BOARD OF PODIATRY** A REGULATION repealing various provisions relating to podiatry **CONTACT Carolyn Cramer (775) 746-9424** **nvpodiatry@bop.nv.gov**
2025 REGULATIONS		
R015-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions governing social and environmental factors that affect the educational experience of pupils **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R020-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to schedules and tournaments **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**
R021-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising various provisions relating to interscholastic activities **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**
R039-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions allowing the Superintendent to remove or update endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R070-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements to teach JROTC **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R076-25	**387/388**	**STATE BOARD OF EDUCATION** A REGULATION revising various provisions relating to open enrollment and transportation **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R077-25	**387/389**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to programs **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R079-25	**387/388/389/390**	**STATE BOARD OF EDUCATION** A REGULATION revising various provisions relating to education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R082-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing requirements relating to model plans for crisis, emergency and suicide **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R092-25	**633**	**STATE BOARD OF OSTEOPATHIC MEDICINE** A REGULATION revising provisions relating to licensure **CONTACT Frank DiMaggio (702) 732-2147 x233** **fdimaggio@bom.nv.gov**
R094-25	**640A**	**BOARD OF OCCUPATIONAL THERAPY** A REGULATION revising various provisions relating to licensees and temporary licenses **CONTACT Heather Hartley (775) 746-4101** **board@nvot.org**
R097-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to audiological services **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R101-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to apprentice licenses **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R105-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising requirements for endorsement as a music therapist **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R106-25	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to homeopathic physicians **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R109-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements to serve as a school psychologist **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R110-25	**618**	**DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to occupational safety **CONTACT Amber Williams (702) 486-9072** **amwilliams@dir.nv.gov**
R115-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to education personnel **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R116-25	**449**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions relating to rehabilitative residential mental health care (AB 514, 2025) and licensing (AB 544, 2025) **CONTACT Faythe Baltisberger (775) 684-4217** **sbaltisberger@health.nv.gov**
2026 REGULATIONS		
R010-26	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to registration of pharmaceutical technicians in training **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R012-26	**533**	**STATE ENGINEER** A REGULATION revising various provisions relating to water resources **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**

R014-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION repealing provisions relating to endorsements in mathematics and science **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R015-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to interim endorsements in special education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R017-26	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to pupils who are English learners **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R019-26	**388G**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to local school precincts **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R026-26	**638**	**NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS** A REGULATION revising various provisions relating to veterinary medicine **CONTACT Jennifer Pedigo (775) 688-1788** **vetbdinfo@vetboard.nv.gov**
R029-26	**503**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to sights on ranged weapons **CONTACT Alejandra Medina (775) 688-1510** **amedina@ndow.org**
R033-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to the membership of the Board of Control **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**
R034-26	**444**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising provisions relating to hazardous waste **CONTACT Annalyn Settelmeyer (775) 687-9366** **asettelm@ndep.nv.gov**

R035-26	**633**	**STATE BOARD OF OSTEOPATHIC MEDICINE** A REGULATION establishing provisions relating to priority processing of certain applications for licenses **CONTACT Frank DiMaggio (702) 732-2147 x233** **fdimaggio@bom.nv.gov**
R038-26	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to Schedule I drugs and substances **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R040-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION establishing provisions relating to teledentistry (AB 147, 2023) **CONTACT Adam Higginbotham (702) 486-7048** **ahigginbotham@dental.nv.gov**
R041-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION establishing provisions relating to expanded function dental assistants and dental hygienists (SB310, 2023) **CONTACT Adam Higginbotham (702) 486-7048** **ahigginbotham@dental.nv.gov**
R053-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION revising provisions relating to radiographic procedures **CONTACT Adam Higginbotham (702) 486-7048** **ahigginbotham@dental.nv.gov**
R054-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION revising provisions relating to notarizations and declarations **CONTACT Adam Higginbotham (702) 486-7048** **ahigginbotham@dental.nv.gov**
R071-26	**449**	**STATE BOARD OF HEALTH** A REGULATION revising provisions relating to fees **CONTACT Faythe Baltisberger (775) 684-4217** **sbaltisberger@health.nv.gov**
R072-26	**652**	**STATE BOARD OF HEALTH** A REGULATION revising provisions relating to fees **CONTACT Faythe Baltisberger (775) 684-4217** **sbaltisberger@health.nv.gov**

R090-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to zones of attendance **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R091-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to Board meetings **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R092-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to football **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R094-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to eligibility **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R101-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to cancellations **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R102-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to age limitations **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**

2023

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R030-23

ADOPTED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

LCB File No. R030-23

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

AUTHORITY: §§ 1-10, NRS 703.025, 704.210 and 704.661; § 11, NRS 703.025 and 704.210; §§ 12 and 13, NRS 703.025, 704.210, 704.661 and 704.663.

A REGULATION relating to public utilities; revising provisions governing the resource plan required to be submitted by certain utilities which furnish water or services for the disposal of sewage; revising provisions governing the determination that a project included in the action plan of a water or sewage utility is a prudent investment; authorizing a water or sewage utility to amend its action plan to request the eligibility of a project for a system improvement rate to recover the cost of the project; revising provisions governing the eligibility of projects for a system improvement rate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public utilities that furnish water or services for the disposal of sewage and which have an annual gross operating revenue of $1,000,000 or more for at least 1 year during the immediately preceding 3 years to submit to the Public Utilities Commission of Nevada a triennial resource plan to provide sufficient water or services for the disposal of sewage to satisfy the demand made on the system of the utility by its customers. (NRS 704.661) Existing regulations require the resource plan of such a utility to include an action plan that specifies in detail the actions that the utility intends to take to meet its water demand, supply and wastewater treatment requirements during the 3 years immediately following the year in which its resource plan is filed with the Commission. (NAC 704.5651, 704.5665)

Existing law requires the Commission to adopt regulations governing its review of a request made by a utility in such a resource plan, or in any other form authorized by the Commission, to impose a surcharge to fund investment in infrastructure for the period between the filing of rate cases by the utility. (NRS 704.663) Existing regulations: (1) authorize a utility that is required to submit a resource plan to include in its resource plan a request to designate a project as an "eligible project" for which a "system improvement rate" may be established; (2) authorize a utility that is not required to submit a resource plan to submit an application to the Commission to designate a project as an eligible project for which such a system improvement rate may be established; and (3) establish a procedure by which the Commission approves or disapproves such a request or application and, if approved, establishes a system improvement rate by which the utility recovers the cost of a project during the period between the filing of rate cases by the utility. (NAC 704.63335, 704.6339-704.63435)

Sections 1-4 of this regulation make the definitions of "eligible project" and "system improvement rate" in existing regulations applicable to existing regulations governing the resource plan of a utility.

Section 5 of this regulation requires the summary that a utility is required to submit with its resource plan and that must be suitable for distribution to the public to include a list of projects of the utility for which the utility is seeking approval and a list of projects which the utility requests to designate as an eligible project for which a system improvement rate may be established. (NAC 704.5661)

Section 6 of this regulation requires the analysis of the action plan of a utility to establish the priority of projects included in the action plan and establishes the criteria for a project to be deemed a high, medium or low priority project. (NAC 704.5665)

Section 7 of this regulation requires the action plan of a utility to include, for each project for which the utility requests eligibility for the recovery of costs through a system improvement rate, a description of the project and the proposed date for placing the project in commercial operation. (NAC 704.568)

Sections 8 and 10 of this regulation: (1) remove the criteria used by the Commission to determine whether the elements of an action plan are prudent for the purpose of determining whether the costs of those elements may be included in the determination of rates charged to customers; and (2) provide that each project included in an action plan or amendment to an action plan which is approved or modified by the Commission are deemed to be a prudent investment. (NAC 704.5682, 704.5687)

Section 9 of this regulation authorizes a utility to amend its action plan to request that a project be designated as an eligible project for which a system improvement rate may be established if unforeseen circumstances result in an urgent need for assistance or relief.

Section 11 of this regulation revises the definition of "eligible project" for the purposes of determining which projects are eligible for a system improvement rate. Specifically, **section 11**: (1) removes the requirement that an eligible project be an improvement to a distribution system, production system, transmission system or wastewater system and, instead, requires that an eligible project be a replacement, repair or upgrade to such a system; (2) prohibits projects undertaken during the normal course of operations and maintenance from being an eligible project for which a system improvement rate may be established; and (3) adds a requirement that for a project to be an eligible project for which a system improvement rate may be established, the project must have a total cost that is equal to or greater than a certain amount. **Section 14** of this regulation makes a conforming change to reflect the revisions to the definition of "eligible project."

Section 12 of this regulation requires the Commission, in determining whether to approve or disapprove a request to designate a project as an eligible project for which a system improvement rate may be established, to consider whether the project meets certain criteria.

Section 13 of this regulation provides that a project is not eligible for a system improvement rate if the utility does not file an application within the time period established by existing regulations, which require such an application to be filed not later than 90 days after the completion of the eligible project. (NAC 704.63425) **Section 13** additionally requires a system improvement rate to be reexamined during a general rate case filed by the utility.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. ***"Eligible project" has the meaning ascribed to it in NAC 704.63335.***

Sec. 3. ***"System improvement rate" has the meaning ascribed to it in NAC 704.6336.***

Sec. 4. NAC 704.565 is hereby amended to read as follows:

704.565 As used in NAC 704.565 to 704.5688, inclusive, ***and sections 2 and 3 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 704.5651 to 704.5658, inclusive, ***and sections 2 and 3 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 5. NAC 704.5661 is hereby amended to read as follows:

704.5661 The resource plan of a utility must be accompanied by a summary that is suitable for distribution to the public. Any tables, graphs or maps used in the summary must be easily interpretable by the public. The summary must include, without limitation:

1. A brief introduction that describes the utility, its facilities and the purpose and duration of the resource plan;

2. A statement that identifies the issues relating to the supply of water and services for the disposal of sewage and the utility's strategy for addressing those issues;

3. ***A list of projects included in the action plan for which the utility requests approval;***

4. A list of projects included in the action plan which the utility requests to designate as an eligible project for which a system improvement rate may be established;

5. A description of the criteria used by the utility to develop the resource plan, including, without limitation, a summary of each forecast prepared by the utility pursuant to NAC 704.5667;

~~[4.]~~ ***6.*** A statement that identifies the utility's current and projected requirements during the term of the resource plan for each of the following:

(a) Water supply;

(b) Water rights;

(c) Storage;

(d) Transmission and distribution system;

(e) Fire flows and fire hydrants;

(f) Wastewater treatment; and

(g) Water conservation; and

~~[5.]~~ ***7.*** The methods that the utility proposes to use to fund the costs related to the resource plan.

Sec. 6. NAC 704.5665 is hereby amended to read as follows:

704.5665 1. The resource plan of a utility must include and provide an integrated analysis of the utility's:

(a) Conservation plan;

(b) Water supply and wastewater treatment plan;

(c) Funding plan; and

(d) Action plan.

2. The analysis must establish priorities among the utility's options for water conservation, water supply, wastewater treatment and funding to enable the Commission to determine the extent to which the utility's action plan balances the objectives of minimizing cost, mitigating risk and maximizing reliability of service over the term of the action plan.

3. The analysis must establish the priority of projects included in the utility's action plan according to the following criteria:

(a) A high priority project is a project necessary to ensure safe and reliable service to customers.

(b) A medium priority project is a project that enhances service to customers, improves the efficiency of system operations or both.

(c) A low priority project is a project that is not a high or medium priority project.

Sec. 7. NAC 704.568 is hereby amended to read as follows:

704.568 The action plan of a utility must include, without limitation:

1. An introductory section that explains how the action plan relates to the long-term plans of the utility as set forth in its resource plan;

2. A section that identifies each action for which the utility requests the approval of the Commission;

3. A section that identifies each part of the utility's conservation plan that the utility proposes to carry out during the term of the action plan; and

4. A section that identifies each part of the utility's water supply and wastewater treatment plan that the utility proposes to carry out during the term of the action plan and includes, without limitation:

(a) For each ~~[facility]~~ ***project*** for which construction will be performed during that term:

(1) The utility's plans for construction; and

(2) The utility's proposed schedule for construction, including, without limitation, the proposed dates for:

(I) The preparation of any environmental impact statements, if required;

(II) The application for and receipt of each significant permit;

(III) Entering into a commitment for each substantial expenditure; and

(IV) Placing the ~~[facility]~~ ***project*** in commercial operation.

(b) For each ~~[facility]~~ ***project*** that will be acquired during that term, the proposed date for placing the ~~[facility]~~ ***project*** in commercial operation.

(c) For each project which the utility requests to designate as an eligible project for which a system improvement rate may be established, a description of the project and the proposed date for placing the project in commercial operation.

Sec. 8. NAC 704.5682 is hereby amended to read as follows:

704.5682 1. The Commission will ~~[:]~~ ***issue an order:***

(a) ~~[Issue an order approving]~~ ***Approving*** the action plan of a utility as filed;

(b) ~~[Issue an order modifying]~~ ***Modifying*** the action plan of a utility; or

(c) ~~[Specify]~~ ***Specifying*** those parts of the action plan that the Commission ~~[considers]~~ ***finds to be*** inadequate.

2. ~~[An action plan shall be deemed to be approved by the Commission only as to that portion of the action plan accepted as filed or modified with the consent of the utility pursuant to subsection 5 of NRS 704.661.~~

~~3.]~~ If the Commission approves ***or modifies*** the action plan of the utility, ~~[the Commission will include]~~ ***each project included*** in the ~~[approval of the]~~ ***approved or modified*** action plan ~~[its determination that the elements contained in the action plan are prudent. The Commission will make a determination that the elements of the action plan are prudent if:~~

~~(a) The action plan maximizes the utility's water supply and wastewater treatment capacities for the benefit of the utility's customers; and~~

~~(b) The utility demonstrates that the action plan balances the objectives of minimizing cost, mitigating risk and maximizing reliability of service for the term of the action plan.~~

~~4.~~ ~~]~~ ***shall be deemed to be a prudent investment.***

3. If the Commission subsequently determines that any information relied upon when issuing its order approving or modifying the action plan was based upon information that was known or should have been known by the utility to be false when the information was presented, the Commission may revoke, rescind or otherwise modify its approval of the action plan.

Sec. 9. NAC 704.5684 is hereby amended to read as follows:

704.5684 1. A utility shall continually monitor its action plan and amend the action plan before it submits its next resource plan to the Commission if:

(a) The utility intends to submit an application for a permit to construct a utility facility pursuant to NRS 704.820 to 704.890, inclusive, which was not approved as part of the action plan;

(b) The utility makes a commitment for the acquisition or construction of a ~~[facility]~~ ***project*** that was not approved as part of the action plan;

(c) The utility makes a commitment for a long-term purchased water obligation which was not approved as part of the action plan;

(d) The utility is unable to place a resource in service or obtain a resource in accordance with the schedule for the resource that is included in the action plan which results in a significant deviation from the action plan;

(e) The utility makes a commitment for a resource that was not available when the action plan was approved; or

(f) The basic data used in the development of the resource plan requires substantial modification that affects the choice of a resource which was approved as part of the action plan.

2. ***The utility may amend its action plan to request that a project be designated as an eligible project for which a system improvement rate may be established if unforeseen circumstances result in an urgent need for assistance or relief.***

3. The conditions under which an amendment to an action plan is requested must be specifically set forth in the application for the amendment.

~~[3.]~~ ***4.*** As used in this section, "resource" includes, without limitation, a ~~[facility,]~~ source of water supply or water right.

Sec. 10. NAC 704.5687 is hereby amended to read as follows:

704.5687 1. The Commission will ~~[:]~~ ***issue an order:***

(a) ~~[Issue an order approving]~~ ***Approving*** the amendment to the action plan as filed;

(b) ~~[Issue an order modifying]~~ ***Modifying*** the amendment to the action plan; or

(c) ~~[Specify]~~ ***Specifying*** those parts of the amendment that the Commission ~~[considers]~~ ***finds to be*** inadequate.

2. ~~[An amendment to the action plan shall be deemed to be approved by the Commission only as to that portion of the amendment to the plan accepted as filed or modified with the consent of the utility pursuant to subsection 5 of NRS 704.661.~~

~~3.]~~ If the Commission approves ***or modifies*** the amendment, ~~[the Commission will include]~~ ***each project included*** in the ~~[approval of the]~~ ***approved or modified*** amendment ~~[its determination that the amendment is prudent. The Commission will make a determination that the amendment is prudent if:~~

~~(a) The amendment maximizes the utility's water supply and wastewater treatment capacities for the benefit of the utility's customers; and~~

~~(b) The utility demonstrates that the amendment balances the objectives of minimizing cost, mitigating risk and maximizing the reliability of water supply and wastewater treatment for the term of the action plan.~~

~~4.]~~ ***shall be deemed to be a prudent investment.***

3. If the Commission subsequently determines that any information relied upon when issuing its order approving or modifying the amendment was based upon information that was known or should have been known by the utility to be false when the information was presented, the Commission may revoke, rescind or otherwise modify its approval of the amendment.

Sec. 11. NAC 704.63335 is hereby amended to read as follows:

704.63335 "Eligible project" means ~~[an improvement]~~ ***a replacement, repair or upgrade*** to a distribution system, production system, transmission system or wastewater system ***which is not undertaken by the utility during the normal course of operations and maintenance, whose total cost is an amount equal to or greater than the lesser of $500,000 or 5 percent of the utility's approved rate base in its immediately prior rate case and*** that the Commission designates as being eligible for the recovery of costs through a system improvement rate pursuant to subsection 5 of NAC 704.6339.

Sec. 12. NAC 704.6339 is hereby amended to read as follows:

704.6339 1. A large utility may include in the action plan component of the utility's resource plan submitted pursuant to NRS 704.661 a request to designate ~~[a project for an improvement to]~~ a distribution system, production system, transmission system or wastewater system ***project*** as an eligible project for which a system improvement rate may be established.

The project proposed for designation as an eligible project must be ~~[a new improvement project that is]~~ included in the action plan for which the large utility seeks approval pursuant to NAC 704.5682. If the large utility furnishes both water and services for the disposal of sewage, the annual gross operating revenue of the large utility for each service must be considered separately for the purpose of determining whether the large utility is eligible to submit a request pursuant to this subsection for either service.

2. A utility that is not required to submit a resource plan pursuant to NRS 704.661 may file an application with the Commission to designate ~~[a project for an improvement to]~~ a distribution system, production system, transmission system or wastewater system ***project*** as an eligible project for which a system improvement rate may be established.

3. A large utility submitting a request pursuant to subsection 1 or a utility submitting an application pursuant to subsection 2 shall include with the request or application:

(a) A description of the project.

(b) A statement explaining the necessity of the project.

(c) The resulting benefits of the project to the utility and the customers of the utility upon the completion of the project ~~[.]~~ ***, including, without limitation, whether the project extends the useful life of existing infrastructure.***

(d) A statement supported by written testimony that the project is not designed to increase revenues by connecting an improvement to a distribution system or wastewater system to new customers.

(e) A statement that the project was not included in the rate base of the utility in its most recent general rate case.

(f) A statement that the project costs for which recovery will be sought represent an investment to be made by the utility and which will not be paid by another funding source, including, without limitation, a grant, developer contribution or other form of reimbursement.

(g) If submittal to the Commission is not otherwise required by law or regulation, the utility's plan for construction and the proposed schedule for construction. A plan for construction and a proposed schedule for construction submitted pursuant to this paragraph must comply with the provisions of paragraph (a) of subsection 4 of NAC 704.568.

(h) If submittal to the Commission is not otherwise required by law or regulation, a budget of planned expenditures which complies with the provisions of NAC 704.5681.

4. A large utility submitting a request pursuant to subsection 1 shall submit the information required pursuant to subsection 3 in addition to any information otherwise required to be submitted in support of an element of an action plan pursuant to NAC 704.565 to 704.5688, inclusive ~~[.]~~ ***, and sections 2 and 3 of this regulation.***

5. The Commission will:

(a) For a request submitted by a large utility pursuant to subsection 1, approve or disapprove the request at the time the Commission makes a determination with respect to the resource plan submitted by the large utility.

(b) For an application submitted by a utility pursuant to subsection 2, approve or disapprove the application not later than 135 days after the Commission receives the application.

6. ***In determining whether to approve or disapprove a request submitted pursuant to subsection 1 or an application submitted pursuant to subsection 2, the Commission will consider whether the project:***

(a) Replaces aging infrastructure;

(b) Materially improves service or reliability;

(c) Is critical to continued service or reliability; or

(d) Is required for statutory or regulatory compliance.

7. As used in this section, "action plan" has the meaning ascribed to it in NAC 704.5651.

Sec. 13. NAC 704.63425 is hereby amended to read as follows:

704.63425 1. An application to establish a system improvement rate must be filed not later than 90 days after the completion of an eligible project. ***If a utility fails to file the application within this time limit, the project will not be eligible for a system improvement rate.***

2. An application filed pursuant to subsection 1 must include:

(a) The actual cost of the eligible project and invoices supporting the calculation of the actual cost.

(b) The approved budget for the eligible project provided by the Commission pursuant to NAC 704.634.

(c) A calculation of the system improvement rate revenue requirement for each eligible project included in the system improvement rate. The system improvement rate revenue requirement for an eligible project must be calculated on an annual basis. The monthly system improvement rate revenue requirement is one-twelfth of the annual system improvement rate revenue requirement. The annual system improvement rate revenue requirement initially must be calculated using the information available on the last day of the month during which the eligible project is placed in service.

(d) The proposed system improvement rate to be collected from the customers of the utility. If the eligible project is an improvement to a distribution system, production system or transmission system, the proposed system improvement rate must be based upon water

consumption by each customer class during the 12-month period ending on the last day of the month during which the eligible project was placed in service. If the eligible project is an improvement to a wastewater system, the proposed system improvement rate must be based upon the customer class contribution to total revenues for the 12-month period ending on the last day of the month during which the eligible project was placed in service.

➥ The utility has the burden of proving the reasonableness and prudence of the costs incurred to develop the eligible project.

3. The system improvement rate revenue requirement calculated as part of an application must be recalculated in any subsequent application to establish a system improvement rate submitted pursuant to subsection 1. The system improvement rate revenue requirement must be modified annually in the manner prescribed by NAC 704.63435.

4. A system improvement rate must be reexamined during any general rate case filed by a utility that is charging a system improvement rate.

Sec. 14. NAC 704.63435 is hereby amended to read as follows:

704.63435 1. A utility that is charging a system improvement rate shall, on or before April 1 of each year after the establishment of the system improvement rate, file an application recommending continuation of the system improvement rate or an adjustment to the system improvement rate.

2. An application filed pursuant to subsection 1:

(a) Must:

(1) Provide the most current balance in the regulatory asset account for the system improvement rate.

(2) Recommend an adjustment to account for the difference between the actual revenues from the system improvement rate and the uncollected balance of the system improvement rate revenue requirement.

(b) May recommend an adjustment to account for the amortized amount of the reported balance of the regulatory asset account for the system improvement rate. If the utility does not provide a recommendation pursuant to this paragraph, the utility shall provide an explanation for the omission of the recommendation.

3. For any adjustment recommended pursuant to subsection 2:

(a) If the eligible project for which the recommendation is proposed is ~~[an improvement to]~~ a distribution system, production system or transmission system ~~[,]~~ ***project,*** the recommended adjustment to the system improvement rate must be based upon water consumption by each customer class during the 12-month period for which the application is filed.

(b) If the eligible project for which the recommendation is proposed is ~~[an improvement to]~~ a wastewater system ~~[,]~~ ***project,*** the recommended adjustment must be based upon the customer class contribution to total revenues for the 12-month period for which the application is filed.

4. If the Commission does not approve the application within 120 days after the filing date of the application, the application shall be deemed denied unless the Commission or presiding officer issues an order extending the time by which the application must be approved.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R030-23

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

The regulation amends to sections of the Nevada Administrative Code ("NAC") to improve the water resource planning process and to clarify the processes for seeking System Improvement Rate eligibility for certain projects.

2. 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) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the Public Utilities Commission of Nevada ("Commission"), https://puc.nv.gov, mailed to all county libraries in Nevada, published in the following newspapers:

Ely Times
Las Vegas Review Journal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

(b) Prior to the commencement of proceedings under Chapter 233B of the Nevada Revised Statutes ("NRS"), William Lyon Homes, Inc., Mountain Falls, LLC, Mountain Falls Golf Course, LLC, Mountain Falls Homeowners Association, Great Basin Water Co. ("GBWC"), the Nevada Bureau of Consumer Protection ("BCP"), and the Regulatory Operations Staff ("Staff") of the Commission filed comments. Following commencement of NRS Chapter 233B proceedings, GBWC and BCP filed comments. GBWC proposed expanding the definition of a medium priority project in NAC 704.5665(3) to include a project that improves efficiency of system operations. GBWC otherwise generally supported the proposed regulation. BCP disagreed with the removal of "existing" in describing "existing customers" in NAC 704.5665(3), asked for the addition of the phrase "for the term of the action plan" in describing what shall be deemed to be a prudent investment in NAC 704.5682 and NAC 704.5687, disagreed with establishing an alternative threshold of $500,000 in NAC 704.63335, and suggested clarifying that a "project" in NAC 704.63435 must be an improvement and not just a project that spends ratepayer money. BCP otherwise generally supported the proposed regulation.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the PUCN, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

3. The number of persons who:

(a) Attended each hearing: 7

(b) Testified at each hearing: 0

(c) Submitted written comments: 6

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.

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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 solicited from affected businesses in the same manner as they were solicited from the public.

Prior to the commencement of proceedings under Chapter 233B of the Nevada Revised Statutes ("NRS"), William Lyon Homes, Inc., Mountain Falls, LLC, Mountain Falls Golf Course, LLC, Mountain Falls Homeowners Association, and GBWC filed comments. Following commencement of NRS Chapter 233B proceedings, GBWC and BCP filed comments. GBWC proposed expanding the definition of a medium priority project in NAC 704.5665(3) to include a project efficiency of system operations. GBWC otherwise generally supported the proposed regulation.

Comments may be accessed by searching the website of the Commission, https://puc.nv.gov, or by visiting the offices of the Commission, 1150 East William Street, Carson City, Nevada 89701, and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

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 Commission changed the definition of a "medium priority project" in NAC 704.5665(3) to include a project that improves the efficiency of system operations. The rest of the regulation was adopted without change because its language accomplished the purpose of the rulemaking.

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: both adverse and beneficial effects, and both immediate and long-term effects.

(a) Estimated economic effect on the businesses which they are to regulate.

The regulation does not impose any economic effect on the businesses the regulation is to regulate.

(b) Estimated economic effect on the public which they are to regulate.

The regulation does not impose any economic effect upon the public.

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

Any costs associated with the regulation are considered incremental in nature.

9. A description of any regulations of other State or governmental agencies which the 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 any regulation of other State or governmental agencies.

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

See the response to question 9 above.

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. If the proposed regulation is likely to impose a direct and significant 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 Regulatory Operations Staff ("Staff") of the Commission conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used his background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff's analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an Order issued in Docket No. 18-11006 on October 31, 2024.

STATEMENT REGARDING SMALL BUSINESS IMPACT (NRS 233B.0608)

LCB File No. R030-23 (PUCN Docket No. 18-11006)

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.

N/A. *See* Informational Statement accompanying the Regulation, Question Nos. 2-5 and 12.

Pursuant to NRS 233B.0608(1), the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("PUCN") conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. In a Memorandum filed on October 23, 2024, Staff memorialized its conclusion that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 1.

On October 31, 2024, the PUCN issued an Order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608(2)(a) only requires an agency to consult with owners and officers of small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* 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 …." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry, as no such "affected" small businesses exist.

2. The manner in which the analysis was conducted.

See Attachments 1 and 2. Staff used a version of the Delphi method that incorporates elements of the Staff Delphi method to determine the potential impact of a regulation on 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

(b) Both direct and indirect effects.

See Informational Statement accompanying the Regulation, Question No. 7. *See also* Attachments 1 and 2.

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.

N/A. *Se*e Attachments 1 and 2.

Pursuant to NRS 233B.0608(1), Staff conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business.

On October 31, 2024, the PUCN issued an Order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608(2)(c) only requires an agency to consider methods to reduce the impact of a proposed regulation on small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* 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 …." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry as there are no impacts on small businesses and no methods that were considered for reducing the non-existent impacts.

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

See Informational Statement accompanying the Regulation, Question No. 8. *See also* Attachment 1.

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.

N/A. *See* Informational Statement accompanying the Regulation, Question No. 11.

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.

See Informational Statement accompanying the Regulation, Questions Nos. 9 and 10. *See also* Attachment 1.

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

The PUCN complied with NRS 233B.0608 by making a concerted effort to determine whether the proposed regulation imposes a direct and significant economic burden upon small businesses or directly restricts the formation, operation, or expansion of a small business. The PUCN concluded that no such impacts would occur from the adoption of the proposed regulation based upon the well-reasoned investigation of Staff.

I, STEPHANIE MULLEN, Executive Director of the PUCN, 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 5th day of May, 2026.

STEPHANIE MULLEN,
Executive Director
PUBLIC UTILITIES COMMISSION OF NEVADA

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Investigation and Rulemaking to consider alternatives to improve the water resource planning process and clarify the processes for seeking System Improvement Rate eligibility for certain projects.	)))))	Docket No. 18-11006

At a general session of the Public Utilities Commission of Nevada, held at its offices on October 29, 2024.

PRESENT: Chair Hayley Williamson
Commissioner Tammy Cordova
Commissioner Randy J. Brown
Assistant Commission Secretary Trisha Osborne

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings and conclusions:

I. INTRODUCTION

The Commission opened an investigation and rulemaking, designated as Docket No. 18-11006 ("Investigation and Rulemaking"), to consider alternatives to improve the water resource planning process and clarify the processes for seeking System Improvement Rate eligibility for certain projects.

II. SUMMARY

The proposed regulation in Docket No. 18-11006 is neither likely to impose a direct and significant economic burden upon small businesses, nor is it likely to directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to Nevada Revised Statutes ("NRS") 233B.0608(2) is not required.

III. PROCEDURAL HISTORY

- On May 1, 2019, the Commission opened the Investigation and Rulemaking.

- The Commission is conducting this Investigation and Rulemaking pursuant to the NRS and the Nevada Administrative Code ("NAC") Chapters 703 and 704, including, but not limited to, NRS 703.025 and 704.210.

• On May 1, 2019, the Commission issued a Notice of Investigation, Notice of Request for Comments, and Notice of Workshop.

• On May 29, 2019, William Lyon Homes, Inc., Mountain Falls, LLC, Mountain Falls Golf Course, LLC, and Mountain Falls Homeowners Association (collectively "WLH"), the Nevada Bureau of Consumer Protection ("BCP"), and the Regulatory Operations Staff ("Staff") of the Commission each filed comments.

• On May 30, 2019, Great Basin Water Co. ("GBWC") submitted late-filed comments.

• On June 12, 2019, GBWC, WLH, and Staff each filed responsive comments. That same day, the BCP filed reply comments.

• On June 18, 2019, the Commission held a Workshop. Staff, WLH, the BCP, and GBWC made appearances. The participants discussed the next procedural steps that would be undertaken in this Docket.

• On January 10, 2022, the Commission issued a Notice of Workshop.

• On February 1, 2022, the Commission held a workshop. GBWC, WLH, Staff, and the BCP attended.

• On September 23, 2022, the Commission issued a procedural order, inviting comments regarding the updated, revised copy of the proposed regulation.

• On October 7, 2022, the Commission issued a Notice of Workshop.

• On October 18, 2022, GBWC, the BCP, and Staff filed comments.

• On November 1, 2022, GBWC, the BCP, and Staff filed reply comments.

• On November 3, 2022, the Commission held a workshop. GBWC, Staff, and the BCP attended. The participants discussed the proposed regulation and the next steps that would be undertaken in this Docket.

• On September 20, 2024, the Commission issued Procedural Order No. 2, directing Staff to investigate whether the proposed regulation is likely to impact small businesses and to report to the Commission the results of its investigation.

• On October 23, 2024, Staff filed a memorandum ("Staff's Report") with the Commission.

IV. SMALL BUSINESS IMPACT REPORT

Staff's Report

1. Staff conducted a Delphi Method exercise to determine the impact of the proposed regulation on small businesses. (Staff's Report at 2-3). The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. (*Id.*) In this instance, the participants were members of Staff, including three Staff engineers involved in the rulemaking. (*Id.* at 3). Each participant in the exercise used his or her background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. (*Id.*)

2. Staff provides that the proposed regulation revises provisions governing water or sewage utilities' resource-plan submissions to the Commission, revises provisions governing the determination that a project included in a water or sewage utility's action plan is a prudent investment, allows a water or sewage utility to amend its action plan to request that a project be eligible for a system improvement rate to recover the project's cost, and revises provisions governing the eligibility of projects for a system improvement rate. (*Id.*)

3. Staff states that the proposed regulation will not have direct, immediate adverse effects on small businesses or direct, immediate beneficial effects on small businesses. (*Id.*)

4. Staff states that the proposed regulation will not have direct, long-term adverse effects on small businesses or direct, long-term beneficial effects on small businesses. (*Id.* at 3-4).

5. Staff states that under the proposed regulation, the Commission might incur administrative costs to review water utilities' resource plans, but that those costs should not exceed what the Commission currently spends. (*Id.* at 4).

6. Based on the foregoing, Staff recommends that the Commission find that the proposed regulation in Docket No. 18-11006 is neither likely to impose a direct and significant economic burden on small businesses nor directly restrict the formation, operation or expansion of a small business. (*Id.*)

Commission Discussion and Findings

7. The Commission finds that the proposed regulation is neither likely to impose a direct or significant economic burden upon small businesses, nor is it likely to directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

8. The Commission finds that the Delphi method was used in the determination of the impact of the proposed regulation on small businesses. The Commission further finds that the provisions of NRS 233B.0608 have been met.

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Therefore, it is ordered:

1. The proposed regulation in Docket No. 18-11006 is neither likely to impose a direct and significant economic burden upon small businesses, nor is it likely to directly restrict the formation, operation, or expansion of a small business.

By the Commission,

TRISHA OSBORNE,
Assistant Commission Secretary
On behalf of the Commissioners

Certified: /s/ Stephanie Mullen
STEPHANIE MULLEN,
Executive Director

Dated: Carson City, Nevada

10/31/24

(SEAL)

PUBLIC UTILITIES COMMISSION OF NEVADA
MEMORANDUM

DATE: October 15, 2024

TO: The Commission
Via Anne-Marie Cuneo, DRO

FROM: Tori N. Sundheim, Assistant Staff Counsel

SUBJECT: Small Business Impact Report
Agenda 21-24; Item No. 5A; Docket No. 18-11006;
Investigation and Rulemaking to consider alternatives to improve the water resource planning process and clarify the processes for seeking System Improvement Rate eligibility for certain projects.

I. Introduction:

On May 1, 2019, the Public Utilities Commission of Nevada ("Commission") opened an Investigation and Rulemaking, designated as Docket No. 18-11006, to consider alternatives to improve the water resource planning process and clarify the processes for seeking System Improvement Rate eligibility for certain projects.

On May 1, 2019, the Commission issued a Notice of Investigation, Notice of Request for Comments, and Notice of Workshop.

On May 29, 2019, William Lyon Homes, Inc., Mountain Falls, LLC, Mountain Falls Golf Course, LLC, and Mountain Falls Homeowners Association (together, "WLH"), the Nevada Bureau of Consumer Protection ("BCP"), and the Regulatory Operations Staff ("Staff") of the Commission each filed comments.

On May 30, 2019, Great Basin Water Co. ("GBWC") submitted late-filed comments.

On June 12, 2019, GBWC, WLH, and Staff filed responsive comments and BCP filed reply comments.

On June 18, 2019, the Commission held a Workshop. Staff, WLH, BCP, and GBWC made appearances. The participants discussed the next procedural steps that would be undertaken in this Docket.

On January 10, 2022, the Commission issued a Notice of Workshop.

On February 1, 2022, the Commission held a Workshop. GBWC, WLH, Staff, and the BCP attended.

On September 23, 2022, the Commission issued a procedural order with a revised copy of the proposed regulation, inviting comments regarding the updated, revised proposed regulation.

On October 7, 2022, the Commission issued a Notice of Workshop.

On October 18, 2022, GBWC, the BCP, and Staff filed comments.

On November 1, 2022, GBWC, the BCP, and Staff filed reply comments.

On November 3, 2022, the Commission held a workshop. GBWC, Staff, and the BCP attended. The participants discussed the proposed regulation and the next steps that would be undertaken in this Docket.

On September 20, 2024, the Commission issued Procedural Order No. 2, directing Staff to investigate whether the proposed regulation is likely to impact small business as contemplated in NRS 233B.0608(1). The Commission directed Staff to present its report with the results of this investigation along with a statement identifying the methodology used in determining the impact on small business.

II. Investigation and Analysis:

This briefing memo constitutes the Staff Report regarding the Small Business Impact of the proposed regulation as directed by Procedural Order No. 2.

Standard of Review

NRS 233B.0608(1) requires an agency to make a concerted effort to determine whether a proposed regulation is likely to:

a. impose a direct and significant economic burden upon small businesses; or
b. directly restrict the formation, operation, or expansion of small business.

A small business is defined in NRS 233B.0382 as "a business conducted for profit which employs fewer than 150 full-time or part-time employees." NRS 233B.0608 (1) further requires that the assessment must be made prior to conducting a workshop regarding the proposed regulation.

NRS 233B.0608(3) requires that an agency considering a proposed regulation to "prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency."

Methodology

In accordance with NRS 233B.0608 (3), Staff used a version of the Delphi method that incorporates elements of the Policy Delphi method to determine the potential impact of a regulation on small businesses. The Delphi method is a systematic interactive forecasting method based on independent inputs of selected experts. It recognizes the value of expert

opinion, experience, and intuition and allows the use of limited information when full scientific knowledge is lacking.

Three Staff Engineers, all of whom were involved in the rulemaking and who are most familiar with the subject matter of the rulemaking, participated in this analysis. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulation on small businesses. Following receipt of the written responses, the Delphi participants engaged in a critique of the other participants' responses, arriving at a consensus position.

The proposed regulation applies to public utilities in the business of furnishing water or services for the disposal of sewage. The proposed regulation (1) revises provisions governing water utility resource plan submissions to the Commission, (2) revises provisions governing the determination that a project included in the action plan of a water or sewage utility is a prudent investment, (3) authorizes a water or sewage utility to amend its action plan to request the eligibility of a project for a system improvement rate to recover the cost of the project, and (4) revises provisions governing the eligibility of projects for a system improvement rate. The purpose of these changes is to permit the recovery of larger capital costs for necessary system improvement projects only.

Immediate Adverse Effects:

The proposed regulation will not have any direct immediate adverse effects on small businesses. The proposed regulation relates to revisions to the plan filing requirements and implementation measures for system improvement rates. Regulation revisions include, but are not limited to, further definition regarding requirements for an application by a water utility to establish a system improvement rate.

Overall costs of service between standard rate making versus an imposed system improvement rate should be nearly identical over time. The proposed regulation reduces the scope for which a utility can request a system improvement rate for a designated project. However, the proposed regulation still allows the utility to propose projects outside the parameters of the proposed system improvement regulation.

Immediate Beneficial Effects:

The proposed regulation will not have any direct immediate beneficial effects on small businesses. The proposed regulation affects cost recovery and should not change the underlying cost.

Long-Term Adverse Effects:

Similar to the immediate adverse effects outlined previously, the proposed regulation will not have any direct long-term adverse effects on small businesses. The reduction in the scope for which a utility can request a system improvement rate for a designated project will have a long-term effect on the utility as it will reduce the number of projects which the utility may propose a system improvement rate during the integrated resource planning process. However, as stated

herein, the proposed regulation still allows the utility to propose projects outside the parameters of the proposed system improvement regulation. Therefore, overall adverse effects on the utility should be minimal, if any.

Long-Term Beneficial Effects:

Similar to the immediate adverse effects outlined previously, the proposed regulation will not have any direct long-term beneficial effects on small businesses. The reduction in the scope for which a utility can request a system improvement rate for a designated project should have no beneficial impact on the utility.

Cost to the Commission to enforce or administer the proposed regulation, including start-up and ongoing costs:

Under the proposed regulation, the Commission may incur on-going administrative costs to review the resource plans required to be submitted by water utilities. While exact costs are unknown at this time, they should not exceed what the Commission currently experiences.

As a result of the investigation, Staff concludes that the proposed regulation is intended to regulate the activities of water utilities, not small businesses. The proposed regulation is not likely to: (a) impose a direct and significant economic burden upon small business; or (b) directly restrict the formation, operation, or expansion of small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

III. Notice and Subsequent Action:

On September 20, 2024, the Commission issued Procedural Order No. 2, directing Staff to investigate pursuant to NRS 233B.0608(1) whether the proposed regulation is likely to (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation, or expansion of a small business.

IV. Conclusion:

The proposed regulation is intended to regulate the activities of water utilities, not small businesses.

Staff recommends that, in accordance with NRS 233B.0608(1), the Commission find that the proposed regulation is not likely to impose a direct or significant economic burden on a small business, or to restrict the formation, operation or expansion of a small business.

Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulation on small business.

2024

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

JUNE 30, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2024 REGULATIONS		
R124-24	**349**	**BOARD FOR FINANCING WATER PROJECTS** A REGULATION revising provisions relating to financing of water projects **CONTACT Sheryl Fontaine (775) 687-9374** **sfontaine@ndep.nv.gov**
R127-24	**648**	**PRIVATE INVESTIGATOR'S LICENSING BOARD** A REGULATION revising various provisions relating to licenses **CONTACT Vincent Saladino (702) 486-5066** **vsaladino@pilb.nv.gov**
R145-24	**519A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising provisions relating to the trust fund for short-term fluid management **CONTACT Danilo Dragoni (775) 687-9340** **ddragoni@ndep.nv.gov**
R146-24	**445A**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising various provisions relating to standards for water quality **CONTACT Jason Kuchnicki (775) 687-9450** **kuchnicki@ndep.nv.gov**
R188-24	**557**	**STATE DEPARTMENT OF AGRICULTURE** A REGULATION establishing definitions relating to THC levels **CONTACT Raymond Saliga (702) 540-4832** **rsaliga@agri.nv.gov**
R193-24	**635**	**NEVADA STATE BOARD OF PODIATRY** A REGULATION repealing various provisions relating to podiatry **CONTACT Carolyn Cramer (775) 746-9424** **nvpodiatry@bop.nv.gov**

ADOPTED REGULATION OF THE

BOARD FOR FINANCING WATER PROJECTS

LCB File No. R124-24

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

AUTHORITY: §§ 1-30, NRS 349.982.

A REGULATION relating to water; making various changes to provisions relating to the program for grants of money to purveyors of water and eligible recipients to pay for certain costs associated with certain water systems, water conservation, connecting to municipal water systems and connecting to community sewage disposal systems; revising certain eligibility requirements to receive a grant from the program; revising provisions governing a letter of intent for an application for a grant from the program; revising provisions relating to an application for and the review and approval of a grant from the program; revising provisions relating to a resolution adopted by the Board for Financing Water Projects upon approval of a grant from the program; revising provisions relating to the issuance of certain bonds to finance the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems for the program; revising requirements that a recipient of a grant provide certain information to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; revising certain provisions relating to certain credit granted to a recipient of a grant from the program; repealing certain provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes a program to provide grants of money to purveyors of water and eligible recipients to pay for certain costs related to water conservation and capital improvements to certain water systems from the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems; and (2) requires the Board for Financing Water Projects to administer the program and adopt regulations necessary for that purpose. (NRS 349.981, 349.982)

Sections 2-7 of this regulation define certain terms related to the program. **Section 11** of this regulation makes a conforming change to apply those definitions to existing provisions relating to the program and **sections 8-10** of this regulation. **Sections 12 and 13** of this

regulation revise existing definitions of "program" and "requirements for public water systems," respectively, as they relate to the program.

Existing regulations set forth eligibility requirements to receive a grant from the program, including requiring an applicant for a grant to submit a letter of intent to the Board, and set forth what must be included in the letter. (NAC 349.475) **Section 14** of this regulation: (1) revises the eligibility requirements for a purveyor of water, eligible recipient or governing body to receive a grant from the program; (2) revises what must be included in a letter of intent; (3) requires that the letter of intent be submitted to the Division of Environmental Protection of the State Department of Conservation and Natural Resources instead of the Board; (4) removes the requirement that nine copies of the letter of intent be submitted to the Division; and (5) requires the Division to review the letter of intent and notify the applicant whether the letter is approved as to content and form.

Existing regulations set forth the process to apply for a grant from the program, including what must be included in and how to submit an application to the Board. (NAC 349.495, 349.500) **Sections 15 and 16** of this regulation revise what must be included in an application for a grant.

Existing regulations provide for the review of an application for a grant to determine the financial feasibility of the proposed improvement, the ability of the applicant to provide for the continued operation and maintenance of the system and whether charges for water from the system, if any, are sufficient to pay for certain expenses related to the system. (NAC 349.505) **Section 17** of this regulation: (1) requires the Division to review an application to ensure all required information is submitted and that the applicant has demonstrated viability; and (2) revises the information the Division must review in determining if a charge for water from the system is sufficient to pay for expenses related to the system. **Section 8** sets forth certain capabilities an applicant must demonstrate to be deemed viable.

Existing regulations require the Division to: (1) review an application for completeness within 20 working days after receipt of the application; (2) notify the applicant of any deficiencies within 30 working days after receipt of the application, instruct the applicant on resolving any deficiencies and allow an applicant 45 working days to submit any documents to satisfy the deficiencies; (3) recommend that the Board deny any application that fails to comply with the instructions provided to the applicant; and (4) prepare a report to the Board concerning the improvement proposed in the application. Existing regulations also set forth what information must be included in the report of the Division to the Board. (NAC 349.510) **Section 18** of this regulation: (1) removes the deadlines for the Division to review an application and notify an applicant that the application is deficient and the deadline for an applicant to submit any documents to satisfy any application deficiencies; and (2) instead requires the Division to promptly notify an applicant of deficiencies in the application. **Section 18** also revises the information that must be included in the Division's report to the Board.

Existing regulations prohibit the Board from approving an application for a grant before receiving certain information. (NAC 349.515) **Section 19** of this regulation revises the information that must be received by the Board before approving an application.

Existing regulations require the Board adopt a resolution when providing a grant and set forth what must be included in the resolution. (NAC 349.535) Existing law requires the Board to

develop and use a scale to determine the amount of a grant to certain recipients that are water systems. (NRS 349.983) **Section 22** of this regulation revises what must be included in the resolution adopted by the Board, including an agreement that an applicant: (1) establish and maintain a capital replacement reserve account; and (2) prepare and submit a fiscal sustainability plan. **Section 22** also revises certain terms for providing a grant and the factors the Board will consider in developing the scale to determine the amount of a grant. **Sections 9 and 10** set forth the requirements for a capital replacement reserve account and a fiscal sustainability plan, respectively.

Existing regulations authorize the Division to request that the Office of the State Treasurer issue general obligation bonds in an amount sufficient to fund a grant upon receipt of a resolution from the Board. (NAC 349.540) **Section 23** of this regulation authorizes the Division to make such a request upon the enactment of legislation approving the issuance of such bonds.

Existing regulations require a recipient of a grant under the program to pay to the Division an administrative fee of $1,000. Existing regulations also require the recipient of a grant and the Director of the Department, if all conditions of the grant have been met, to execute a funding agreement which must be for a term of not more than 5 years. (NAC 349.549) **Section 24** of this regulation prohibits the administrative fee from being included as a cost eligible for payment pursuant to the grant. **Section 24** additionally decreases from 5 years to 3 years the maximum term of such an agreement. Finally, **Section 24** requires that a funding agreement contain any terms and conditions set forth in the resolution adopted by the Board.

Existing regulations require the recipient of a grant under the program to periodically submit requests for money pursuant to the grant and to provide the Division with certain proof that disbursements of money were made in an appropriate manner. (NAC 349.564) **Section 27** of this regulation requires the recipient of a grant to submit quarterly requests for money and expands the proof required to include certain written documentation from a financial institution.

Existing regulations authorize the Division to give recipients of a grant from the program credit toward the amount of money the recipient is required to provide for a capital improvement and sets forth the basis for such credit. (NAC 349.569) **Section 28** of this regulation revises the basis on which such credit may be given.

Sections 19, 21, 24-26 and 29 of this regulation make revisions to expand the application of provisions relating to the program to include projects, as well as improvements, that are authorized to receive grants under the program.

Section 30 of this regulation repeals certain definitions and certain provisions relating to a letter of intent and public meetings related to the approval of an application for a grant.

Section 1. Chapter 349 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *"Capital replacement reserve account" means the account established and maintained by a purveyor of water, eligible recipient or governing body as required by the terms of a grant provided by the Board pursuant to NAC 349.535.*

Sec. 3. *"Division" means the Division of Environmental Protection of the Department.*

Sec. 4. *"Governing body" has the meaning ascribed to it in NRS 278.015.*

Sec. 5. *"Project" means an activity undertaken by a purveyor of water, eligible recipient or governing body for which the purveyor of water, eligible recipient or governing body may receive a grant of money from the program.*

Sec. 6. *"Water resource plan" means a water resource plan developed pursuant to NRS 278.0228.*

Sec. 7. *"Water system" means a public water system that is a community water system or nontransient water system.*

Sec. 8. *For the purposes of NAC 349.430 to 349.574, inclusive, and sections 2 to 10, inclusive, of this regulation, an applicant for a grant will be deemed viable if the applicant demonstrates:*

1. The financial capability to sustain the operation of a water system, sewage disposal system or other system, which includes, without limitation:

(a) The ability to pay all costs related to the maintenance and operation of the water system, sewage disposal system or other system and any debt service, depreciation and capital expenses of the water system, sewage disposal system or other system;

(b) The ability to hold any cash reserves required for the maintenance and operation of the water system, sewage disposal system or other system; and

(c) The establishment of a capital replacement reserve account in accordance with section 9 of this regulation;

2. The managerial capability to sustain the operation of the water system, sewage disposal system or other system, which includes, without limitation:

(a) The authority to manage and maintain the water system, sewage disposal system or other system;

(b) The employment of qualified staff to maintain the water system, sewage disposal system or other system; and

(c) The ability to work with governmental agencies, regulatory bodies, trade and industry organizations and the persons served by the water system, sewage disposal system or other system; and

3. The technical capability to sustain the operation of the water system, sewage disposal system or other system, which includes, without limitation:

(a) The employment of personnel with the technical knowledge and licensure necessary to operate the water system, sewage disposal system or other system;

(b) The ability to obtain an adequate and reliable source of water, if necessary, to provide the quantity and quality of water required for the water system, sewage disposal system or other system; and

(c) The ability to establish and maintain the infrastructure necessary to meet the needs of the water system, sewage disposal system or other system, if applicable.

Sec. 9. *The capital replacement reserve account required under the terms for providing the grant as set forth in NAC 349.535:*

1. Must be:

(a) Maintained by the grantee to replace the capital assets of the water system, sewage disposal system or other system for the entire lifetime of the water system, sewage disposal system or other system; and

(b) Funded not less than annually based upon the depreciation of short-lived assets of the water system, sewage disposal system or other system that are held for not more than 15 years, using a straight-line method of depreciation; and

2. Must not be used by the grantee to pay for the operation, maintenance or debt service requirements of the water system, sewage disposal system or other system.

Sec. 10. *1. The fiscal sustainability plan required under the terms for providing the grant as set forth in NAC 349.535, must be prepared by the grantee and submitted to the Division for review before the grantee requests the final disbursement of the grant money under the funding agreement required by NAC 349.549. The fiscal sustainability plan must include, without limitation:*

(a) An evaluation of all capital assets of the water system, sewage disposal system or other system and the current condition of the capital assets of the water system, sewage disposal system or other system;

(b) A list of all critical capital assets of the water system, sewage disposal system or other system;

(c) The projected cost of repairing or rehabilitating the capital assets of the water system, sewage disposal system or other system on a regular basis; and

(d) An evaluation of the water and energy efficiency of the water system, sewage disposal system or other system.

2. A grantee must agree to review the fiscal sustainability plan every 5 years for the lifetime of the water system, sewage disposal system or other system.

Sec. 11. NAC 349.430 is hereby amended to read as follows:

349.430 As used in NAC 349.430 to 349.574, inclusive, ***and sections 2 to 10, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 349.432 to ~~[349.469,]~~ ***349.467,*** inclusive, ***and sections 2 to 7, inclusive, of this regulation,*** have the meanings ascribed to them in those sections.

Sec. 12. NAC 349.464 is hereby amended to read as follows:

349.464 "Program" means the program established ~~[pursuant to]~~ ***by*** NRS 349.981 to provide grants of money to purveyors of water and eligible recipients to pay for costs of improvements and ~~[for costs associated with:~~

~~1. Connecting to a municipal water system; or~~

~~2. Abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system.]~~ ***projects authorized pursuant to NRS 349.981.***

Sec. 13. NAC 349.467 is hereby amended to read as follows:

349.467 "Requirements for public water systems" means the requirements imposed:

1. By the ~~[State Board of Health]~~ ***Division*** pursuant to NRS 445A.800 to 445A.955, inclusive; or

2. Pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.

Sec. 14. NAC 349.475 is hereby amended to read as follows:

349.475 1. The Board will provide a grant to a purveyor of water ~~[or an eligible recipient]~~ only if:

(a) The ~~[grant will assist:~~

~~(1) The]~~ purveyor of water ~~[in]~~ ***meets the requirements of NRS 349.983;***

(b) The purveyor of water is constructing a capital improvement to the ~~[community water system or nontransient]~~ ***publicly owned*** water system that will directly enable the purveyor of water to comply with the requirements for public water systems; ~~[or~~

~~(2) The eligible recipient in carrying out an improvement set forth in paragraph (b), (c), (d) or (e) of subsection 1 of NRS 349.981;~~

~~(b)]~~ ***(c)*** The purveyor of water ~~[or eligible recipient]~~ is unable to finance from its own resources the proposed improvement ~~[or costs]~~ associated with connecting to a municipal water system or community sewage disposal system;

~~[(c)]~~ ***(d)*** The purveyor of water is currently included on the priority list for the Account for the Revolving Fund; and

~~[(d)]~~ ***(e)*** Water meters or other approved devices which will measure water delivered to each water user are installed and used in any ~~[community water system or nontransient]~~ water system for which an application for a grant is made, unless the Board determines that water meters or such other devices are not required to ensure effective monitoring and conservation of water in that ~~[community water system or nontransient]~~ water system.

2. ***The Board will provide a grant to an eligible recipient only if the eligible recipient:***

(a) Is carrying out an improvement or project described in NRS 349.981;

(b) Was in existence on January 1, 1995; and

(c) Is unable to finance from its own resources the improvement or project.

3. The Board will provide a grant to a governing body that is an eligible recipient only if:

(a) The governing body was in existence on January 1, 1995;

(b) The governing body is unable to finance from its own resources the proposed water resource plan; and

(c) Funding the development of the water resource plan is an eligible use of proceeds from bonds issued pursuant to NRS 349.986.

4. To apply for a grant, a purveyor of water ***,*** ~~[or]~~ eligible recipient ***or governing body*** must file with the ~~[Board]~~ ***Division*** a letter of intent. The letter ***of intent*** must include:

(a) The ***legal*** name, ***mailing*** address ***, electronic mail address, if any,*** and telephone number of the applicant.

(b) The date on which the service was first provided by the ~~[community water system, nontransient]~~ water system, sewage disposal system or other system for which the application for a grant was made. If the exact date is not known, the month and year must be provided.

(c) The title or name ~~[,]~~ ***of the proposed improvement or project,*** the location and a brief description of the proposed improvement ~~[,]~~ ***or project, as applicable,*** including maps ~~[or]~~ ***and*** preliminary plans.

(d) The number of persons or other entities served ~~[and the assessed value of the property within the area that is served]~~ by the ~~[community water system, nontransient]~~ water system, sewage disposal system or other system for which the application for a grant was made.

(e) ~~[A preliminary]~~ ***An*** estimate of the cost of the proposed improvement ~~[or costs associated with connecting to a municipal water system or community sewage disposal system, including,]~~ ***or project prepared by a person licensed as a professional engineer pursuant to chapter 625 of NRS. The estimate must include,*** without limitation, the cost of construction, engineering, ***materials, permitting, construction*** contingencies and any additional costs necessary for financing the improvement ~~[.]~~ ***or project, as applicable.***

(f) A description of future improvements ***or projects*** planned by the applicant ~~[,]~~ ***within the next 5 years,*** if any, that are not part of the proposed improvement ***or project*** for which the application for a grant is made.

(g) ~~[A brief]~~ ***If the proposed improvement or project is required to bring a water system, sewage disposal system or other system into compliance with any State or federal requirements, a*** description of how the proposed improvement ***or project*** will ~~[assist the purveyor of water, in complying with the requirements for public water systems or the eligible recipient in carrying out the purpose of the proposed improvement.]~~ ***bring the system into compliance.***

(h) Documentation ~~[concerning]~~ ***demonstrating*** the inability of the applicant to finance the proposed improvement or ~~[costs associated with connecting to a municipal water system or community sewage disposal system,]~~ ***project,*** including, but not limited to:

(1) ***Audited financial statements for the 3 years immediately preceding the date on which the letter of intent was filed pursuant to NAC 349.475;***

(2) Letters from local lending institutions;

~~[(2)]~~ ***(3)*** Letters from financial advisers, accountants or fiscal agents, if applicable;

~~[(3)]~~ ***(4) A copy of any budget for the current fiscal year and upcoming fiscal year, if applicable, that is required to be submitted to the Department of Taxation or the Public Utilities Commission of Nevada pursuant to statute;***

(5) The rate charged to the users of the water system, sewage disposal system or other system for which the application for a grant was made, as of the date on which the letter of intent was filed;

(6) Any requirement of the applicant to set aside cash reserves to pay for the debt service of or complete capital improvements financed with previously issued debt;

(7) The amount of money available for the improvement or project, other than the money to be derived from the program;

(8) Copies of any applications for funding the proposed improvement or ~~[costs]~~ ***project*** filed by the applicant and, if the application is for a loan, a copy of any documentation indicating that the loan was approved or denied or the likelihood that the loan will be approved, including, without limitation, such an application and documentation concerning a loan from:

(I) The Account for the Revolving Fund ~~[;]~~ ***created by NRS 445A.255;***

(II) The ~~[fund described in NAC 445A.728;]~~ ***Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects created by NRS 445A.120;*** or

(III) Any other governmental agency that provides financial assistance for improvements ***or projects*** and with which the applicant has applied for a loan; and

~~[(4)]~~ ***(9)*** A statement justifying the inability of the applicant to finance the proposed improvement or ~~[costs.]~~ ***project.***

(i) ~~[A brief demonstration that the applicant will be viable upon completion of the proposed improvement which includes, without limitation, audited financial statements for the 3 years immediately preceding the date that the letter of intent is filed with the Board and a recently approved budget.~~

~~(j)]~~ If applicable, a statement that the plan of water conservation adopted pursuant to NRS 540.131 will be filed with the Water Planning Section of the Division of Water Resources of the Department before receipt of the grant.

~~[(k)]~~ ***(j)*** Any additional information required by the Board.

~~[3.]~~ ***5.*** A letter of intent must be ~~[directed]~~ ***submitted*** to the ~~[Board at either:]~~ ***Division:***

(a) ~~[The address specified in the application for a grant provided by the Division of Environmental Protection of the Department to the applicant;]~~ ***Electronically, through the Nevada Infrastructure Financial System at the Internet address https://ndepifs.ndep.nv.gov;*** or

(b) ~~[The address otherwise provided by the Division of Environmental Protection of the Department to the applicant for that purpose.~~

~~4. An applicant shall provide nine copies of the letter of intent to the Division of Environmental Protection of the Department.]~~ ***By any other means authorized by the Division.***

6. The Division shall review a letter of intent submitted pursuant to this section to determine whether the letter of intent complies with the requirements of subsection 4 and notify the applicant whether the letter is approved as to content and form.

Sec. 15. NAC 349.495 is hereby amended to read as follows:

349.495 ~~[1.]~~ If a letter of intent for a proposed improvement or ~~[proposed costs is approved,]~~ ***project is approved by the Division pursuant to NAC 349.475,*** an applicant must submit ~~[an original and eight copies of]~~ an application to the Board ~~[~~.

~~2. An application submitted pursuant to subsection 1 must be:~~

~~(a) In the form provided by the Division of Environmental Protection of the Department; and~~

~~(b) Addressed to the Board as provided in subsection 3 of NAC 349.475.]~~ ***:***

1. Electronically, through the Nevada Infrastructure Financial System at the Internet address https://ndepifs.ndep.nv.gov; or

2. By any other means authorized by the Division.

Sec. 16. NAC 349.500 is hereby amended to read as follows:

349.500 1. Except as otherwise provided in subsections 2 and 3, ~~[the]~~ ***an*** application ***submitted pursuant to NAC 349.495*** must include the following items and information:

(a) ***A copy of the letter of intent filed pursuant to NAC 349.475.***

(b) A preliminary engineering report for the construction, operation and maintenance of the proposed improvement ~~[, including:~~

~~(1) The expected costs and benefits of the project;~~

~~(2) Plans for the development of the facilities of the applicant; and~~

~~(3) The economic justification for and expected feasibility of the project,~~

~~as]~~ ***or project*** prepared by a person licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[(b) A complete and legible legal description of the entire area of service for the proposed improvement, including a]~~ ***The report must be formatted in compliance with Bulletin 1780-2 of***

the Rural Utilities Service of the United States Department of Agriculture issued on April 4, 2013.

(c) Any map of the service area of the proposed improvement or project as may be required by the Division, including, without limitation:

(1) A map showing the layout of the proposed improvement ***or project*** and the location and number of persons served by the proposed improvement ***or project*** in relation to maps of the United States Public Lands Survey, assessor's maps, or aerial or other similar maps showing sections and townships ~~[.~~

~~(c)]~~ ***; and***

(2) A complete and legible copy of the legal description of the property that will be occupied by the proposed improvement ~~[,]~~ ***or project,*** including the assessor's plot maps on which the proposed improvement ***or project*** is identified.

(d) Proof of ownership, rights-of-way, easements or agreements, showing that the applicant holds or is able to acquire all lands, other than public lands, interests therein and water rights necessary for the construction of the proposed improvement ~~[.]~~ ***or project.*** Copies of deeds to lands to be occupied, records of surveys, easements, agreements or permits to appropriate water may be used as evidence of ownership.

(e) A report concerning the amount of water required to satisfy the needs of the proposed improvement ~~[,]~~ ***or project,*** including:

(1) The source and amounts of supply;

(2) The rights to the water;

(3) The quality of the water going into the proposed improvement ~~[,]~~ ***or project;***

(4) The quality of treated water flowing out of the proposed improvement ~~[,]~~ ***or project;*** and

(5) A schedule indicating the volume of water required each month from the proposed improvement ***or project*** to meet the needs of the customers of the ~~[community water system or nontransient]~~ water system.

(f) A report concerning the implementation of the plan of water conservation adopted by the applicant pursuant to NRS 540.131, including:

(1) A copy of the plan;

(2) The most recent schedule established by the applicant for carrying out the plan; and

(3) An analysis of the effectiveness of the plan.

(g) A complete and itemized list of the total estimated cost of the proposed improvement ~~[,]~~ ***or project,*** including an estimate for construction costs, contingencies, engineering fees, administrative fees, legal fees and financing fees ~~[.]~~ ***, prepared by a person licensed as a professional engineer pursuant to chapter 625 of NRS.***

(h) An estimate of the capital costs required for the installation of water meters on all service connections to the ~~[community water system or nontransient]~~ water system, including an analysis of the feasibility of installing the water meters.

(i) Information which demonstrates that the proposed improvement ***or project*** complies with applicable local regulations governing the use of land and water and any other applicable regulations and ordinances.

(j) A list of the permits required to carry out the proposed improvement ~~[,]~~ ***or project,*** with the anticipated dates and conditions for approval of those permits.

(k) ***A summary of public participation in the development of the proposed improvement or project, including, without limitation, copies of minutes of any board meetings, public workshops, media events or press releases.***

(l) The estimated cost of operation and maintenance for the proposed improvement ~~[.~~ ~~(l)]~~ ***or project.***

(m) The amount of money available for the proposed improvement ***or project,*** other than the money to be derived from the program, including terms of repayment if short-term or long-term financing is contemplated as a source of funding.

~~[(m) A plan for the construction of any related improvements during the next 5 years.]~~

(n) Copies of the current documents prepared by or on behalf of the applicant pursuant to NRS 350.013, which depict the effect of the proposed improvement ***or project*** on the financial capacity of the applicant.

(o) Data and information deemed necessary by the Division ~~[of Environmental Protection of the Department]~~ or by the financial advisers or other consultants of the Division.

(p) Any additional information, as determined by the Division, to demonstrate to the Division that the applicant will be viable pursuant to section 8 of this regulation upon completion of the proposed improvement or project.

2. The Board may waive any of the requirements of subsection 1 upon written request of the applicant.

3. An applicant is not required to include an item and information required by subsection 1 if the item or information is not applicable to the type of improvement ***or project*** proposed in the application.

Sec. 17. NAC 349.505 is hereby amended to read as follows:

349.505 Upon receipt of an application, the Division ~~[of Environmental Protection of the Department]~~ shall:

1. ***Review the application and any supporting materials to determine if the applicant has:***

(a) Submitted all the information required by NAC 349.500 in the application; and

(b) Demonstrated that the applicant is viable pursuant to section 8 of this regulation.

2. If necessary, forward all data and information contained in the application to any financial adviser, attorney and other person retained by the Division to determine the financial feasibility of the proposed improvement ~~[.~~

~~2.]~~ ***or project.***

3. If applicable, evaluate the ability of the applicant to provide for:

(a) The continuing replacement of components of the water system that are functionally obsolete or worn out;

(b) Current and anticipated debt service; and

(c) Current and future expenses of operation and maintenance.

~~[3.]~~ ***4.*** If applicable, evaluate the charge for water that customers of the ~~[community water system or nontransient]~~ water system are paying and determine if the charge is sufficient to satisfy ***all fixed and variable*** expenses ***of the water system, including, without limitation, expenses*** related to:

(a) The operation and maintenance of the ~~[community water system or nontransient]~~ ***current and future*** water system; ~~[and]~~

(b) ***The current and anticipated debt service of the applicant;***

(c) Periodically replacing ***capital asset*** components of the ~~[community water system or nontransient]~~ water system that are functionally obsolete or worn out ~~[.~~

~~4.]~~ ***; and***

(d) Any other fixed or variable expenses of the water system, including, without limitation, employee salaries and benefits, materials, chemicals, utilities, testing and sampling, permits, licenses, fees, contracts, subcontracts and any expenses necessary to maintain the water system for the health and safety of the public and the environment.

5. If applicable, determine whether any exceptional circumstances exist in the area served by the ~~[community water system or nontransient water system.]~~ ***applicant.***

Sec. 18. NAC 349.510 is hereby amended to read as follows:

349.510 1. ~~[Within 20 working days after receipt of an application, the Division of Environmental Protection of the Department shall review the application and determine if all information required by the Board has been provided.~~

~~2.]~~ If ***, after reviewing an application pursuant to NAC 349.505,*** the Division ~~[of Environmental Protection of the Department]~~ determines that the application is ~~[incomplete,]~~ ***:***

(a) Incomplete, the Division ~~[of Environmental Protection of the Department]~~ shall ~~[, within 30 working days after the receipt of the application,]~~ ***promptly*** notify the applicant of the deficiencies and provide the applicant with instructions for ~~[satisfying]~~ ***resolving*** those deficiencies. ~~[The applicant must comply with those instructions within 45 working days after the receipt of the instructions, except that, upon written request by the applicant and for good cause, the Division of Environmental Protection of the Department may once extend the period for compliance by the applicant.]~~ If the applicant submits any additional information ~~[concerning~~

~~the application within the appropriate period,]~~ ***to resolve any deficiencies,*** the Division ~~[of Environmental Protection of the Department]~~ shall ~~[, within 30 working days after receipt of that information,]~~ determine whether the application ***, with the additional information,*** is complete. If the applicant does not complete the application because the applicant failed to comply with the instructions provided to the applicant by the Division ~~[of Environmental Protection of the Department]~~ or failed to submit any additional information required by the Division ***,*** ~~[of Environmental Protection of the Department within the appropriate period,]~~ the Division ~~[of Environmental Protection of the Department]~~ shall recommend that the Board deny the application.

~~[3. Within 30 working days after the Division of Environmental Protection of the Department determines that the application is complete,]~~

(b) Complete, the Division ~~[of Environmental Protection of the Department and the Bureau or the Water Planning Section of the Division of Water Resources of the Department, as appropriate given the type of improvement proposed in the application,]~~ shall ***promptly forward a copy of the application to the Bureau of Safe Drinking Water, the Bureau of Water Pollution Control of the Division or the Division of Water Resources of the Department, as appropriate, who will*** review the application and feasibility reports to determine if the proposed improvement ***or project*** complies with:

~~[(a)]~~ ***(1)*** The requirements for public water systems if the applicant is a purveyor of water; or

~~[(b)]~~ ***(2)*** The applicable federal, state and local requirements for the ***water system, sewage disposal system or other*** system for which the application for a grant was made if the applicant is an eligible recipient ~~[.]~~ ***; or***

(3) The applicable requirements of a governing body for a water resource plan.

~~[4.]~~ ***2.*** The Division ~~[of Environmental Protection of the Department]~~ shall prepare a report to the Board concerning the proposed improvement or ~~[costs within 60 working days after receipt of the completed application.]~~ ***project.*** The Division ~~[of Environmental Protection of the Department]~~ shall ensure that:

(a) ~~[It]~~ ***The Division*** receives information concerning the review of the application ***conducted pursuant to paragraph (b) of subsection 1*** by the Bureau ~~[or]~~ ***of Safe Drinking Water,*** the ***Bureau of*** Water ~~[Planning Section of]~~ ***Pollution Control of the Division or*** the Division of Water Resources of the Department, as applicable; and

(b) The information received pursuant to paragraph (a) is incorporated in the report prepared by the Division ***.*** ~~[of Environmental Protection of the Department.~~

~~5.]~~ ***3.*** The report to the Board prepared by the Division ~~[of Environmental Protection of the Department]~~ ***pursuant to subsection 2*** must contain:

(a) ~~[The]~~ ***Information relating to the*** application ~~[;]~~ ***, including, without limitation, the name and location of the proposed improvement or project, any maps of the proposed improvement or project, a description of the need for the proposed improvement or project, the population to be served by the proposed improvement or project, a construction timeline for and detailed cost of the proposed improvement or project and any conservation efforts of and alternatives to the proposed improvement or project;***

(b) A summary of the economic justification for and financial feasibility of the proposed improvement ~~[;]~~ ***or project;***

(c) The status of the funding available to the applicant for the proposed improvement or ~~[costs; and]~~ ***project;***

(d) ***A summary of any public participation in the development of the proposed improvement or project;***

(e) The status of funding available from the Fund; and

(f) Evaluations by the Division ~~[of Environmental Protection of the Department]~~ concerning:

(1) Whether the applicant will be viable ***pursuant to section 8 of this regulation*** upon completion of the proposed improvement ~~[;]~~ ***or project;***

(2) If applicable, the effectiveness of the applicant's efforts to conserve water and of the plan of water conservation adopted by the applicant pursuant to NRS 540.131;

(3) ~~[The]~~ ***If applicable, the*** need for and the feasibility of installing water meters on all service connections to the ~~[community water system or nontransient]~~ water system; and

(4) The information that results from the evaluations and determinations conducted pursuant to subsections ~~[3 and]~~ 4 ***and 5*** of NAC 349.505.

Sec. 19. NAC 349.515 is hereby amended to read as follows:

349.515 ~~[1. Except as otherwise provided in subsections 2 and 3, an application must not be approved by the Board until:~~

~~(a) Copies of any permits necessary for compliance with any requirements for planning and zoning, including any necessary variances or special use permits, are received by the Board; or~~

~~(b) Each agency issuing a permit specified in paragraph (a) has given written authorization to proceed with the proposed improvement and a copy of the authorization is received by the Board.~~

~~2. The Board may waive the requirements of subsection 1 if it has received information from its counsel or any other reliable source that the proposed improvement will receive or has received all permits required by any governmental agency which are necessary to proceed with the construction, improvement, rehabilitation or redevelopment of the proposed improvement.~~

~~3. The Board may, before it receives any permit required pursuant to subsection 1 that requires the submission of a detailed engineering design, approve an application if there are no foreseeable conditions threatening the feasibility of the proposed improvement.~~

~~4.~~] The Board will not approve an application until ~~[it]~~ ***the Board*** determines ***, if applicable to the proposed improvement or project,*** that the applicant owns sufficient water rights to carry out the proposed improvement ***or project*** or ***that*** there are water rights otherwise available and committed to the proposed improvement ~~[.]~~ ***or project, as applicable.***

Sec. 20. NAC 349.520 is hereby amended to read as follows:

349.520 1. If the Board determines not to approve an application, it will prepare findings and conclusions concerning its determination and adopt a resolution stating the reasons for the disapproval.

2. The Board will give the applicant and the Division ~~[of Environmental Protection of the Department]~~ notice of its action.

Sec. 21. NAC 349.530 is hereby amended to read as follows:

349.530 1. Except as otherwise provided in subsection 2, the Board will review the completed application and determine whether, based on the records and documents submitted to the Board concerning the proposed improvement or ~~[costs:]~~ ***project:***

(a) The proposed improvement ***or project*** is economically justified and financially feasible ***;*** ~~[.]~~

(b) The proposed improvement ***or project*** complies with the provisions of NRS 349.980 to 349.987, inclusive ***;*** ~~[.]~~

(c) The plan for development of the proposed improvement ***or project*** is satisfactory ***;*** ~~[.]~~

(d) The applicant is able to obtain the financing required to complete the proposed improvement ~~[.]~~ ***or project;***

(e) ~~[The]~~ ***If applicable, the*** applicant has taken sufficient and reasonable efforts to determine whether the proposed improvement ***or project*** conflicts with any regional master plan of any local, state or federal governing authority, and those efforts have not revealed such a conflict ~~[.]~~ ***; and***

(f) ~~[The]~~ ***If applicable, the*** proposed improvement ***or project*** will not use or waste excessive quantities of water.

2. If the Board determines pursuant to paragraph (a) of subsection 1 that the proposed improvement ***or project*** is not economically justified and financially feasible, the Board will, based on the records and documents submitted to the Board concerning the proposed improvement ~~[,]~~ ***or project,*** determine whether the ~~[construction of the]~~ proposed improvement ***or project*** is in the interest of the State and brings the ~~[purveyor of water into compliance with the requirements for public water systems or brings the eligible recipient]~~ ***applicant*** into compliance with any applicable federal, state or local laws with which the ~~[eligible recipient]~~ ***applicant*** is not in compliance. In making its determination, the Board will consider, if applicable:

(a) Whether there are any communities located near the ~~[community water system or nontransient]~~ water system that offer similar living conditions with potable water;

(b) Whether the applicant has taken sufficient and reasonable efforts to discover an alternate source of potable water for the ~~[community water system or nontransient]~~ water system; and

(c) Whether any other useable source of potable water for the ~~[community water system or nontransient]~~ water system has been discovered.

3. The Board will approve or disapprove the proposed improvement or ~~[costs]~~ ***project*** taking into consideration the determinations made pursuant to subsections 1 and 2. If the Board approves the proposed improvement or ~~[costs, it]~~ ***project, the Board*** will take into consideration the amount of money in the Fund and determine whether to provide a grant for the proposed improvement or ~~[costs.]~~ ***project.*** The Board may give precedence to improvements ***and projects*** which provide maximum benefits to the State.

Sec. 22. NAC 349.535 is hereby amended to read as follows:

349.535 1. If the Board determines to provide a grant, ~~[it]~~ ***the Board*** will adopt a resolution which must include:

(a) A statement of the approval of the Board that sets forth its findings of fact concerning its determinations made pursuant to NAC 349.530;

(b) The ~~[application; and]~~ ***report to the Board prepared by the Division pursuant to NAC 349.510; and***

(c) The terms for providing the grant to the applicant ~~[.]~~ ***, which must include, without limitation:***

(1) That the award of grant money is contingent upon the availability of money based upon the issuance of general obligation bonds by the State pursuant to NAC 349.540. The Board is under no obligation to make payments on any grant awarded in the event the Board and Division determine there is insufficient money available from the issuance of such general obligation bonds by the State;

(2) The assurance of the applicant that the relevant water rates will continue to meet or exceed the required revenue to satisfy the costs of operations, maintenance, debt service and capital replacement reserves of the current and future needs of the water system, sewage disposal system or other system;

(3) The agreement of the applicant to establish and maintain a capital replacement reserve account that meets the requirements of section 9 of this regulation;

(4) The agreement of the applicant to prepare and submit to the Division a fiscal sustainability plan that meets the requirements of section 10 of this regulation;

(5) The agreement of the applicant to utilize the money provided by the grant within 3 years after the issuance of the resolution;

(6) The assurance of the applicant that the applicant has obtained all funding necessary to complete the improvement or project; and

(7) If the applicant is a purveyor of water, the assurance that water meters are installed and operated or will be installed and operating before the execution of a funding agreement pursuant to NAC 349.549.

2. To determine the amount of a grant to a purveyor of water, the Board will, pursuant to NRS 349.983, develop and use a scale which the Board may periodically revise. The factors the Board will consider in developing the scale include, without limitation:

(a) Whether the improvement for which the grant is requested is included on the priority list for the Account for the Revolving Fund for the current year;

(b) If applicable, the rank of the improvement for which the grant is requested in relation to other projects on the priority list for the Account for the Revolving Fund for the current year;

(c) The median household income for the community or area that is served by the ~~[community water system or nontransient]~~ water system for which the grant is requested as compared to the median household income in this State;

(d) The number of persons served by the ~~[community water system or nontransient]~~ water system for which the grant is requested;

(e) ~~[The amount of reduction in the leakage of water, if any, in the community water system or nontransient water system for which the grant is requested;]~~ ***If the applicant has obtained the maximum amount of money available for the improvement or project, other than the money to be derived from the program;***

(f) The effectiveness of any water conservation in the area that is served by the ~~[community water system or nontransient]~~ water system for which the grant is requested; ~~[and]~~

(g) The monthly charge for water that residential customers of the ~~[community water system or nontransient]~~ water system for which the grant is requested are paying for the month in which the application for a grant is submitted ~~[.]~~ ***;***

(h) Whether the applicant has demonstrated financial viability by preparing and submitting a fiscal sustainability plan pursuant to section 10 of this regulation;

(i) Whether the compliance operations manuals, maintenance manuals, cross-connection control plans and emergency response plans of the applicant are current; and

(j) Whether the applicant has a current source water protection plan developed in accordance with the source water assessment and protection program, as defined in NAC 445A.8337.

3. The Board will send a copy of the resolution to the Division ~~[of Environmental Protection of the Department.]~~ ***upon adoption.***

4. ~~[Within 10 days after]~~ ***Upon*** receipt of the resolution of the Board, the Division shall:

(a) Notify the applicant and the Director of the decision of the Board.

(b) ~~[Send]~~ ***Request that*** the applicant ***:*** ~~[an inducement letter which:]~~

(1) ~~[States the intention of the Director to issue the grant to be paid as other claims against the State are paid if the improvement meets local, state and federal requirements;~~

~~(2) States the amount of the grant;~~

~~(3) States that if the grant is to be made from the proceeds of bonds, it will be conditioned upon the successful issuance of the bonds;~~

~~(4) Directs the applicant to submit]~~ ***Submit*** any supporting documentation required by the Division; and

~~[(5) Directs the applicant to comply]~~

(2) Comply with any conditions imposed upon the grant and to enter into the funding agreement required pursuant to NAC 349.549 within 6 months after the date the Board approves the grant or such other date as the Board specifies.

Sec. 23. NAC 349.540 is hereby amended to read as follows:

349.540 Upon receipt of a resolution of the Board approving the improvement or costs ~~[,]~~ ***or upon the enactment of legislation approving the issuance of general obligation bonds, if any,*** the Division ~~[of Environmental Protection of the Department]~~ may request ***that*** the Office of the State Treasurer ~~[to]~~ issue general obligation bonds in an amount sufficient to fund the grant.

Sec. 24. NAC 349.549 is hereby amended to read as follows:

349.549 1. The recipient of a grant under the program shall pay to the Division ~~[of Environmental Protection of the Department]~~ an administrative fee of $1,000 ~~[.]~~ ***, which must not be included as a cost eligible for payment pursuant to the grant.*** The money must be used for the purposes set forth in subsection 4 of NRS 349.982.

2. The recipient of a grant under the program and the Director ***, or his or her designee,*** shall, if all conditions of the grant have been met, execute a funding agreement that complies with the requirements of this section.

3. The funding agreement must:

(a) Be for a term of not more than ~~[5]~~ ***3*** years.

(b) Set forth the maximum amount disbursable pursuant to the grant, the percentage of eligible costs that will be paid and the amount of the minimum contribution to be paid by the recipient.

(c) Distinguish costs that are eligible and ineligible for payment pursuant to the grant, and set forth formulas for sharing the cost of components of the improvement ***or project*** that are partially eligible for payment pursuant to the grant.

(d) Describe procedures for the disbursement of the grant.

(e) Set forth any state requirements regarding:

(1) Compliance with the laws of this State;

(2) Access by the State to any accounts and books of the recipient that relate to the improvement;

(3) Access to the site of the improvement ***or project*** for inspection by state personnel;

(4) Indemnification of the State;

(5) The acknowledgment of the amount contributed by the State pursuant to the grant;

(6) The submission of financial reports and reports concerning the progress of the improvement ~~[;]~~ ***or project;***

(7) The maintenance of records;

(8) The provision of addresses for notification and other communication;

(9) The approval of plans and specifications;

(10) The submission of proof of the receipt of any required permits;

(11) The notification of the State concerning any difficulties in the construction or funding of the improvement ***or project*** that could adversely affect the improvement ~~[;]~~ ***or project;***

(12) The notification of the State concerning any claims made against the recipient of the grant, the engineer or contractor for the improvement ~~[;]~~ ***or project,*** or any other person associated with the improvement ~~[;]~~ ***or project;*** and

(13) The submission, review and approval of contract change orders.

(f) Set forth provisions concerning:

(1) Requirements for the methods of procurement and applicability of the provisions of chapter 332 of NRS;

(2) Any default or termination;

(3) The rights of the State if the agreement is terminated;

(4) The right of the State to commence legal proceedings;

(5) The right of the State to require audits at the expense of the recipient;

(6) The amendment of the agreement;

(7) Requirements for notification of the parties to the agreement; ~~[and]~~

(8) The release of any liability arising from a default ~~[.]~~ ***; and***

(9) Any terms and conditions set forth in the resolution adopted by the Board pursuant to NAC 349.535.

(g) Set forth any other contractual provisions relevant to the grant or ***the*** improvement ~~[.]~~ ***or project.***

Sec. 25. NAC 349.554 is hereby amended to read as follows:

349.554 The recipient of a grant under the program:

1. Shall, before:

(a) Bids for the improvement ***or project*** are advertised, submit to the Division ~~[of Environmental Protection of the Department]~~ the engineering design, plans and specifications for the improvement ~~[.]~~ ***or project.***

(b) Bids for the improvement ***or project*** are opened, submit to the Division the bidding schedules and item descriptions for measurement and payment.

(c) Construction of the improvement ***or project*** is begun, submit to the Division:

(1) Proof of the receipt of all necessary permits ~~[.]~~ ***, including, without limitation, all permits necessary for construction and applicable requirements for planning and zoning.***

(2) Documentation that any procedures for purchasing and contracting required by the State are being followed.

(3) The agendas for any conferences held before bidding and construction.

(4) Schedules for procurement and construction.

(5) Proof that the funding required to be contributed by the recipient of the grant has been committed to the improvement ~~[.]~~ ***or project.***

(6) Any other documents that the Division deems necessary to verify compliance with the goals of the program.

2. Shall not allow the commencement of any construction relating to the improvement ***or project*** until the Division provides the recipient of the grant with a written notice to proceed with the improvement ~~[.]~~ ***or project.*** The Division shall, upon its approval of the items received pursuant to subsection 1, provide the recipient with that notice.

Sec. 26. NAC 349.559 is hereby amended to read as follows:

349.559 The recipient of a grant under the program shall:

1. During the construction of the improvement ~~[,]~~ ***or project,*** provide the Division ~~[of Environmental Protection of the Department]~~ with such documents as the Division deems

necessary to determine compliance with the funding agreement ~~[.]~~ ***executed pursuant to NAC 349.549.***

2. Submit to the Division monthly reports concerning the progress of the construction of the improvement ~~[.]~~ ***or project.*** Each report must include:

(a) A brief description of any work performed on the improvement ***or project*** after the date of the report submitted by the recipient pursuant to this subsection for the immediately preceding month;

(b) A discussion of any problems encountered that may cause a deviation from the schedule of construction for the improvement ***or project*** or an adjustment to the budget for the improvement ~~[;]~~ ***or project;*** and

(c) Copies of any work directives and change orders issued to the contractor during the period specified in paragraph (a), regardless of whether the contractor approved the directives or orders.

3. Submit to the Division quarterly financial reports concerning the construction of the improvement ~~[.]~~ ***or project.*** Each report must:

(a) Include a current budget for the completion of the improvement ***or project*** that accurately reflects:

(1) Any costs incurred up to the date of the report;

(2) The anticipated monthly costs to complete the improvement ~~[;]~~ ***or project;*** and

(3) The status of available funding; and

(b) Be accompanied by copies of any change orders affecting the scope or cost of any components of the improvement ***or project*** that are eligible for payment pursuant to the grant.

4. Provide the Division with current schedules for the construction of the improvement ***or project*** and such other current information as the Division deems necessary to ensure that:

(a) The components of the improvement ***or project*** that are eligible for payment pursuant to the grant will be completed; and

(b) The health needs of the community will be met.

Sec. 27. NAC 349.564 is hereby amended to read as follows:

349.564 1. The recipient of a grant under the program shall:

(a) Submit ~~[periodic]~~ ***quarterly*** requests for the disbursement of money pursuant to the grant on forms provided by the Division **.** ~~[of Environmental Protection of the Department.]~~

(b) Provide the Division with:

(1) Copies of all contracts related to the improvement ~~[,]~~ ***or project,*** including contracts for construction, procurement and the provision of professional services. Any invoice submitted by the recipient of the grant for the payment of reimbursable costs must include references to the authorizing contracts and, if such a contract is divided into separate tasks, references to those tasks.

(2) Proof that any prior disbursements of money pursuant to the grant have been distributed in an appropriate manner and that any disbursements made pursuant to a present request for the disbursement of money pursuant to the grant will be distributed in an appropriate manner. The proof must consist of:

(I) Copies of ~~[the front of]~~ cancelled checks issued by the recipient of the grant; ~~[or]~~

(II) ***Written documentation from a financial institution of wire transfers or other electronic fund transfers initialed by the recipient of the grant; or***

(III) A signed letter from a vendor stating that the vendor has been paid in full for an invoice that is to be reimbursed by a disbursement made pursuant to the present request for the disbursement.

2. The disbursement of any money pursuant to a grant under the program must comply with the funding agreement ~~[.]~~ ***executed pursuant to NAC 349.549.*** Each payment must be approved based on the actual costs to date.

Sec. 28. NAC 349.569 is hereby amended to read as follows:

349.569 1. The Division ~~[of Environmental Protection of the Department]~~ may give a recipient of a grant pursuant to the program credit toward the amount of money the recipient is required to provide for the capital improvement pursuant to subsection 3 of NRS 349.983 if the recipient contributes to the capital improvement:

(a) All of the money the recipient has available for that purpose; and

(b) Material, labor, equipment or any other contribution approved by the Division other than money.

➥ The credit must not exceed the unpaid balance of the amount the recipient is required to provide pursuant to that subsection.

2. To obtain credit pursuant to subsection 1:

(a) A recipient of a grant pursuant to the program must submit to the Division:

(1) Documentation for each contribution made to the capital improvement by the recipient for material, labor, equipment or other contribution approved by the Division;

(2) A postconstruction audit of each contribution made to the capital improvement by the recipient; and

(3) Any other information the Division deems appropriate.

(b) All forms, rates and documentation submitted by the recipient of the grant must be approved by the Division.

3. If the Division approves the credit, the amount of the credit must be determined by the Division based on:

(a) The prevailing wage for similar classifications of work;

(b) The rates ~~[paid by the Department of Transportation for the rental of equipment;]~~ ***contracted with a contractor or supplier pursuant the provisions of chapter 338 of NRS, if any;*** or

(c) The actual costs sustained by the recipient of the grant.

Sec. 29. NAC 349.574 is hereby amended to read as follows:

349.574 1. After the recipient of a grant pursuant to the program has completed the improvement ~~[,]~~ ***or project,*** the recipient shall submit to the Division ~~[of Environmental Protection of the Department]~~ for its approval:

(a) A final engineering report that includes a certificate of completion executed by an engineer indicating that:

(1) The improvement ***or project*** has been completed in accordance with the provisions of the funding agreement;

(2) The improvement ***or project*** as constructed has been tested and satisfies the objectives for which it was designed and performs the functions for which it was intended; and

(3) Based on the results of the test specified in subparagraph (2), the quality of materials and workmanship are consistent with the plans and specifications approved for the improvement ~~[;]~~ ***or project;***

(b) Drawings of the improvement ***or project*** as constructed that depict any material changes from the initial plans for the improvement ~~[;]~~ ***or project;***

(c) The dates the improvement ***or project*** was tested, accepted and placed into service;

(d) A statement of the final costs for the improvement ~~[;]~~ ***or project;*** and

(e) If required by the Division, proof that the improvement ***or project*** performs the tasks for which it was designed.

2. The recipient of the grant may submit its final request for disbursement of the grant only after the Division has approved the final engineering report submitted pursuant to subsection 1.

3. If the final engineering report, certificate of completion and statement of final costs submitted pursuant to subsection 1 are approved by the Division:

(a) The Division shall release the recipient of the grant from any liability arising pursuant to the funding agreement ~~[;]~~ ***executed pursuant to NAC 349.549;*** and

(b) The recipient of the grant shall discharge the Division and the State of Nevada from any claims or demands arising pursuant to the funding agreement.

4. Upon completion of the requirements of this section and payment of the final request submitted pursuant to subsection 2, any undisbursed amount of the sum authorized for the grant will be made available for other grants pursuant to the program.

Sec. 30. NAC 349.445, 349.463, 349.469, 349.480, 349.485, 349.490 and 349.525 are hereby repealed.

TEXT OF REPEALED SECTIONS

349.445 "Community water system" defined. "Community water system" has the meaning ascribed to it in NRS 349.980.

349.463 "Nontransient water system" defined. "Nontransient water system" has the meaning ascribed to it in NRS 349.980.

349.469 "Viable" defined. "Viable" means:

1. For a purveyor of water, having the financial, managerial and technical ability to sustain over a long term the operation of a community water system or nontransient water system and to remain in compliance with the requirements for public water systems; and

2. For eligible recipients, having the financial, managerial and technical ability to remain in compliance with applicable federal, state and local requirements for the system for which the application for the grant was made.

349.480 Procedure following receipt of letter of intent.

1. Upon receipt of a letter of intent, the Division of Environmental Protection of the Department shall:

(a) Record the date of receipt;

(b) Maintain a file containing all documents and information pertaining to the financing of the proposed improvement or costs; and

(c) Promptly forward a copy of the letter of intent to the Bureau or the Water Planning Section of the Division of Water Resources of the Department, as appropriate given the type of improvement or costs proposed in the letter of intent.

2. The Division of Environmental Protection of the Department and the entity which received a copy of the letter of intent pursuant to paragraph (c) of subsection 1 shall review the letter of intent and forward their comments to the Board within 30 days after receipt of the letter of intent.

3. The Board will consider a letter of intent forwarded from the Division of Environmental Protection of the Department and will, in a motion or resolution adopted by the Board, determine whether:

(a) If the applicant is a purveyor of water other than the Lincoln County Water District, the community water system or nontransient water system was in existence on January 1, 1995, and is currently publicly owned;

(b) If the applicant is a conservation district, irrigation district, conservancy district or general improvement district, the applicant was in existence on January 1, 1995;

(c) The proposed improvements will be publicly owned;

(d) The applicant is eligible for the program pursuant to NRS 349.981 or 349.983; and

(e) The proposed improvement is likely to be economically justified and financially feasible pursuant to the provisions of NAC 349.430 to 349.574, inclusive.

349.485 Approval of letter of intent.

1. The Board will approve the letter of intent in a motion or resolution adopted by the Board if the Board:

(a) Makes the determinations required pursuant to subsection 3 of NAC 349.480; and

(b) Finds that the proposed improvement or costs qualify for a grant pursuant to NRS 349.981 or 349.983.

2. Upon approval of a letter of intent by the Board, the applicant must file an application for the proposed improvement or costs within 1 year after the date of approval or by a date specified by the Board, except that:

(a) Upon the request of the applicant and based upon the occurrence of circumstances beyond the control of the applicant, the Division of Environmental Protection of the Department may once authorize the applicant to file the application at a later date, which must not be later than 18 months after the date of approval or 6 months after the date originally specified by the Board; or

(b) The Board may, upon good cause shown, extend the period for the applicant to file the application.

3. If the Board has approved a letter of intent, it may request that the Division of Environmental Protection or the Water Planning Section of the Division of Water Resources of the Department, as appropriate and within the limits of their available resources, assist the applicant with preparing an application. The Board may also request the Division of Environmental Protection of the Department to issue a letter evidencing an intent to proceed with the program.

4. The approval of a letter of intent by the Board does not guarantee or ensure that any proposed improvement or costs will be provided a grant.

349.490 Disapproval of letter of intent; finality of decision of Board; reapplication.

1. If the Board does not make the affirmative determinations required by subsection 3 of NAC 349.480 or finds that the letter of intent does not meet the requirements of NAC 349.475, the Board will disapprove the letter of intent, by motion or resolution, and promptly notify the Division of Environmental Protection of the Department and the applicant of its decision, listing the reasons for disapproval.

2. The decision of the Board is final.

3. If a letter of intent is disapproved by the Board, the applicant may reapply not less than 6 months after the date of disapproval or at such time as is permitted by the Board, whichever is earlier.

349.525 Public meeting on proposed improvement or costs; correction of deficiencies in application. Before approving an application, the Board or its designated representative:

1. Will hold a public meeting on the proposed improvement or costs and provide reasonable notice to the members of the public who may be affected by the proposed improvement or costs.

2. May return the application to the applicant for the correction of any deficiencies.

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: R124-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

Nevada Revised Statutes (NRS) 349.981 established the program to provide grants of money to purveyors of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned non-transient water systems. The Board for Financing Water Projects may adopt regulations to carry out the provisions of this section per NRS 349.982.

Proposed regulation changes were prompted by changes to the Nevada Revised Statutes. These regulatory amendments are being proposed to align Nevada Administrative Code with Nevada Revised Statutes by expanding the list of eligible recipients of program funds to include wellhead abandonment and septic-to-sewer conversion projects and governmental bodies for the development of Water Resource Plans. The proposed amendments also clarify and streamline some processes, update fee and grant scale language, and clean up outdated language and processes to align with current practices.

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, R124-24P, in the Nevada Register on August 14, 2025.

The NDEP held one public workshop for R124-24P on March 31, 2026. The public was invited to participate both virtually and in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. One member of the public attended the workshop virtually. The Division did not receive any verbal or written questions during or after the public workshop.

A summary of the workshop is included on the NDEP BFWP website.

The proposed regulations were also distributed to the Office of Financial Assistance email distribution list. The Division accepted written comments on R124-24I and R124-24P for 30 days ending on April 30, 2026.

The BFWP held a hybrid regulatory hearing on June 3, 2026, to consider possible action on R124-24P. There were no public comments on R124-24P during the June 3, 2026, BFWP meeting and the proposed regulations were adopted by the BFWP on June 3, 2026.

The BFWP posted its public notice, which included a link[1] and instructions to access R124-24P 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 BFWP email distribution list. The BFWP 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 NDWP BFWP website.

3. The number of persons who attended the BFWP Regulatory Hearings:

(a) Attended June 3, 2026, hearing: four (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.

Comments were solicited from affected businesses through one public workshop and during the June 30, 2026, BFWP hearing as noted in number 2 above. There were no verbal or written comments received regarding the regulatory amendments during the BFWP 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 BFWP unanimously adopted R124-24P with NDEP-proposed changes on June 3, 2026, because the Board was satisfied with the amended 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. The entity or organization may or may not be a business defined by NRS 233B.0382. This proposed regulation does not introduce any new fees; however, the proposed amendments do clarify that grant funds may not be used to pay for existing program fees. The proposed regulations are not anticipated to

[1] https://ndep.nv.gov/water/financing-infrastructure/board-for-financing-water-projects

have any significant adverse or beneficial effects to the regulated community in the short or long term.

Public:

The public receives a benefit when a wastewater or stormwater system receives a grant from the program versus taking out a loan from the public market. This slight benefit is expected to affect the public in the short and long term.

The service fee may have an adverse impact on the community; however, there is a net benefit because the funds are in the form of a grant instead of a loan. The Division estimates this impact will be minimal and is expected to affect the public in the short and long term.

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. Existing fees are 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 regulations do not provide for a new fee or an increase to existing fees.

Small Business Impact Disclosure

LCB File No. R124-24

April 20, 2026

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time employees" (NRS 2338.0382).

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 S81S)

No. Affected entities (Nevada water systems applying for Capital Improvement Grant funds) may or may not constitute a "business" as defined by NRS 233B.0382 - the Division cannot 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 grants, the customers of newly eligible recipients could receive modest economic benefit. This proposed regulation does not impose new fees; however, the proposed regulations do clarify that grant funds may not be used to pay program fees.

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 S81S)

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.

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 were covered during the public workshop process. Comment was solicited through a workshop held in Carson City and video conferenced to Las Vegas. Notices of the workshop and an invitation for comments were 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 was also emailed to an extensive distribution list maintained by NDEP's Office of Financial Assistance (OFA).

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 <u>proposed regulation</u> on small businesses:

The proposed the proposed regulations expand the eligibility of the program to well-head abandonment and septic-to-sewer conversion projects, and to governmental bodies for the development of Water Resource Plans. They also clarify and streamline some processes, update fee and grant scale language, and align state regulations with Nevada Revised Statutes. There is no expected economic effect on grant recipients or small businesses.

A. <u>Both adverse and beneficial effects</u>

Not applicable (see above).

B. <u>Both direct and indirect effects:</u>

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.)*

Not applicable.

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 is 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 proposed regulations do not introduce 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, provide an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulations are not more stringent than federal regulations.

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 businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,

Deputy Administrator

FOR

Jennifer Carr, PE, CPM, CEM
Administrator
Nevada Division of Environmental Protection

R127-24

ADOPTED REGULATION OF THE

PRIVATE INVESTIGATOR'S LICENSING BOARD

LCB File No. R127-24

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

AUTHORITY: §§ 1, 3, 13, 16-19 and 22, NRS 648.030; § 2, NRS 648.025 and 648.030; §§ 4, 5 and 7, NRS 648.030 and 648.120; § 6, NRS 648.030 and 648.100; §§ 8 and 14, NRS 648.030 and 648.140; § 9, NRS 648.030, 648.140, 648.1493 and 648.1495; § 10, NRS 648.030, 648.140 and 648.1493; §§ 11 and 12, NRS 648.030 and 648.1493; § 15, NRS 648.030, 648.140 and 648.1495; § 20, NRS 648.030 and 648.162; § 21, NRS 648.030 and 648.165.

A REGULATION relating to private investigators and related professions; revising provisions relating to qualifying agents; revising the duties of the Executive Director of the Private Investigator's Licensing Board; revising the duties of the Board; revising provisions governing the circumstances under which the Board will hold a license in abeyance; revising provisions relating to certain examinations required for licensure; revising provisions relating to the employment of certain unlicensed persons; revising provisions relating to certain audits conducted by the Board; revising the information contained in the system of records established and maintained by the Board; requiring the Board to publish certain information on its Internet website; revising provisions relating to a course of training in carrying, handling and using firearms safely; revising provisions relating to certain fines; requiring an applicant for licensure to comply with all prerequisites for licensure before the Board approves his or her application; repealing duplicative provisions concerning liability insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Private Investigator's Licensing Board to adopt regulations to carry out provisions governing the licensing and regulation of persons engaged in the business of private investigation and similar professions. (NRS 648.030, 648.060) Existing law prescribes certain qualifications and duties of a qualifying agent for a corporate applicant or corporate licensee. (NRS 648.110, 648.140) In general, existing regulations provide for the approval of qualifying agents by the Board. (NAC 648.260, 648.265) Under existing regulations, a corporation that submits an application for the qualification of an agent must include with the application a copy of the employment contract between the corporation and the proposed agent. (NAC 648.250) **Section 3** of this regulation requires any such contract to include certain responsibilities and duties. **Section 1** of this regulation defines the term "qualifying agent" for the purposes of the provisions of the Nevada Administrative Code governing private investigators to mean a person who is approved by the Board to act as a qualifying agent for a corporation.

Existing law authorizes the Board to employ an Executive Director to perform duties prescribed by the Board. (NRS 648.025) Existing regulations set forth the duties of the Executive Director of the Board. (NAC 648.140) **Section 2** of this regulation revises these duties by requiring the Executive Director to serve as the custodian of records of the Board.

Existing law requires the Board to adopt regulations prescribing the circumstances under which the Board will hold a license in abeyance. (NRS 648.120) **Sections 5 and 7** of this regulation eliminate a requirement that a person who wishes to have his or her license held in abeyance must surrender the license. (NAC 648.265, 648.330) **Section 4** of this regulation makes a conforming change relating to the elimination of this requirement.

Existing regulations: (1) authorize the Board to designate police officers or other law enforcement officials to administer certain examinations relating to licensing; and (2) require the examinations to be given in certain months of each year. (NAC 648.310) **Section 6** of this regulation removes the authorization of the Board to designate police officers or other law enforcement officials to administer the examinations, thereby requiring the Board to administer the examinations. **Section 6** also requires the Board to administer the examinations at any other time the Executive Director deems necessary.

Existing regulations prohibit a licensee from employing certain unlicensed persons unless the Board grants an exemption from the prohibition. (NAC 648.338) **Section 8** of this regulation makes the Executive Director or his or her designee, rather than the Board, responsible for granting certain exemptions from the prohibition.

Existing regulations require a licensee to instruct certain applicants for employment to obtain two complete sets of fingerprints or provide a receipt for electronic submission of fingerprints to the Board. (NAC 648.3385) **Section 9** of this regulation instead requires a licensee to instruct those applicants to obtain one complete set of fingerprints or provide a receipt for electronic submission of fingerprints to the Board. **Section 10** of this regulation makes a conforming change relating to the number of sets of fingerprints a licensee is required to instruct applicants to obtain pursuant to **section 9**.

In general, before a licensee employs an unlicensed person, existing regulations require the licensee to: (1) administer an examination provided by the Board and ensure the person passes the examination; or (2) verify that the unlicensed person has passed an examination administered by the Board or by another licensee. (NAC 648.341) **Sections 11 and 12** of this regulation eliminate the option for a licensee to: (1) administer an examination provided by the Board; or (2) verify that the unlicensed person has passed an examination administered by another licensee. **Sections 11 and 12** thereby require a licensee to verify that an unlicensed person has passed the examination administered by the Board before the licensee employs the unlicensed person. **Section 13** of this regulation makes conforming changes relating to the elimination of the options from **sections 11 and 12**.

Existing law requires each licensee to maintain certain records relating to the employment, compensation, licensure and registration of employees. (NRS 648.140) Existing law also requires the Board to issue a pocket card to each registered employee. (NRS 648.1493) Existing regulations require each licensee to maintain a passport-size photograph of each of his or her employees. (NAC 648.3385) **Section 9** instead requires each licensee to retain a copy of the pocket card of each of his or her employees.

Existing regulations authorize the Board to audit the records of a licensee. (NAC 648.343) **Section 13**: (1) clarifies the purposes for which the Board may conduct an audit; (2) lists certain records that may be reviewed by the Board during an audit; and (3) prescribes the

locations at which the Board may conduct such an audit. **Section 13** also requires a licensee to make any record requested by the Board available to the Board within 30 days after receipt of the request. Existing law authorizes the Board to discipline a licensee for violating any provision of the Nevada Revised Statutes or the Nevada Administrative Code governing private investigators. (NRS 648.150) **Section 13** provides that failure to make a record requested by the Board available to the Board within the prescribed time constitutes grounds for disciplinary action. **Section 19** of this regulation eliminates a provision that prohibits the Board from imposing a fine of more than $25 against a licensee for his or her first failure to produce records in a timely manner when undergoing an audit.

Existing regulations require the Board to establish and maintain an Internet website that contains a system of records which contains certain information concerning certain persons who have applied for or obtained registration with Board. (NAC 648.3435) **Section 14** of this regulation requires the system of records to contain information regarding each person who has completed a course of training in firearm safety. **Section 14** also requires the Board to include on the Internet website information concerning the training required to obtain or renew a license issued by the Board.

Existing regulations require a licensee to notify the Board within 10 days after the licensee terminates the employment of an unlicensed person. (NAC 648.343) **Section 13** eliminates this requirement. **Section 15** of this regulation instead requires a licensee to notify the Board within 3 days after the licensee terminates the employment of a registered employee. **Section 15** also: (1) reduces from 5 to 3 the number of business days within which a new employer must file a change of employment notice with the Board; and (2) requires a licensee to terminate the employment of a registered employee who has not performed work for the licensee within a prescribed time period.

Existing law authorizes the Board to require a licensee or his or her employee to complete a certain amount of training in firearm safety before the licensee or employee may carry a firearm in the course of his or her duties. (NRS 648.030) Existing regulations prescribe criteria for a licensee or employee to carry a firearm in the course of his or her duties. (NAC 648.345) **Section 16** of this regulation revises the criteria by requiring a licensee or employee to be 21 years of age or older to carry a firearm in the course of his or her duties.

Existing law prohibits a licensee from employing a person unless the person is registered with the Board. (NRS 648.060) Existing law also provides for the provisional registration of certain applicants for registration. (NRS 648.1495) **Section 16** prohibits an employee who is provisionally registered from: (1) attending or receiving certification from a course of training in firearm safety; or (2) carrying a firearm in the course of his or her duties.

Existing regulations authorize the Board to certify a person as a firearms instructor in carrying, handling and using firearms safely if the person successfully passes a live fire skills test for firearms and meets certain other requirements. (NAC 648.345) **Section 16** revises the minimum score required to successfully pass a portion of the live fire skills test.

Existing regulations require a course of training in carrying, handling and using firearms safely to include: (1) the fundamentals of, general differences among and proper technique for gripping a handgun; (2) certain topics relating to the use of a firearm at a firing range; and (3) a minimum of 5 hours of instruction and training on a firing range. (NAC 648.346) **Section 17** of this regulation: (1) additionally requires instruction on the fundamentals of, general differences among and proper techniques for gripping a rifle and shotgun; (2) revises the topics relating to the use of a firearm at a firing range that must be included in the course; and (3) increases from 5

to 8 the minimum hours of instruction and training on a firing range that must be included in the course.

Existing regulations require a firearms instructor to certify the successful completion of a course of training in carrying, handling and using firearms safely by a person by submitting certain information to the Board on a form prescribed by the Board within 5 days after the person completes the course. (NAC 648.350) **Section 18** of this regulation instead requires a firearms instructor to certify the successful completion of a course by recording certain information on the Internet website established and maintained by the Board within 2 days after the completion of the course.

Under existing regulations, certain fines assessed by the Board must be paid by cashier's check or money order. (NAC 648.433, 648.439) **Sections 20 and 21** of this regulation additionally authorize payment of these fines by debit card or credit card.

Existing regulations authorize the Board to: (1) grant a license to a corporation without a qualifying agent under certain circumstances; and (2) approve an application if the applicant complies with all prerequisites for the license within 90 days. (NAC 648.235, 648.320) **Section 22** of this regulation repeals this authorization, thereby requiring: (1) a corporation to have a qualifying agent to receive a license from the Board; and (2) an applicant to comply with all prerequisites for a license before the Board approves an application for a license.

Existing law requires a licensee to maintain certain liability insurance or act as a self-insurer against liability. (NRS 648.135) **Section 22** repeals a duplicative requirement from the Nevada Administrative Code. (NAC 648.325)

Section 1. NAC 648.110 is hereby amended to read as follows:

648.110 As used in this chapter, unless the context otherwise requires, ~~[the words and terms defined in NRS 648.006 to 648.016, inclusive, have the meanings ascribed to them in those sections.]~~ ***"qualifying agent" means a person who is approved by the Board to act as a qualifying agent for a corporate licensee.***

Sec. 2. NAC 648.140 is hereby amended to read as follows:

648.140 The Executive Director shall:

1. Prepare the agenda for the meeting under the supervision of the Chair and considering the suggestions of the members;

2. Forward a copy of the agenda to each member of the Board not later than 15 days before the scheduled date of the meeting;

3. Give an account of all money received by the Board at each meeting;

4. Keep a record of each meeting and make copies of the minutes available to each member of the Board; ~~[and]~~

5. Preserve the record of each meeting as a state record ~~[.]~~ ***; and***

6. Serve as the custodian of records of the Board.

Sec. 3. NAC 648.250 is hereby amended to read as follows:

648.250 A corporation which submits an application for qualification of an agent shall include with the application a copy of the employment contract between the corporation and the ***qualifying*** agent. The contract must set forth the ~~[agent's]~~ responsibilities, duties and authority ***of the qualifying agent*** in detail ~~[.]~~ ***, which must include, without limitation:***

1. Managing the corporate licensee in this State, including, without limitation, management of the:

(a) Daily operations of the corporate licensee; and

(b) Conduct and professionalism of the staff of the corporate licensee;

2. Executing and completing any document necessary to maintain the good standing of the corporate licensee in this State;

3. Carrying out the provisions of this chapter and chapter 648 of NRS;

4. Complying with any lawful and responsible order of the Board; and

5. Acting as an advisor for the principal officers of the corporate licensee.

Sec. 4. NAC 648.260 is hereby amended to read as follows:

648.260 1. A person who holds a license may change his or her status to that of a qualifying agent ~~[for a corporate licensee]~~ without taking the written examination, if the transfer is within the same category of license. The Board may require a background investigation of any person whose status has changed pursuant to this section if:

(a) The most recent background investigation was completed more than 18 months before the change in status; or

(b) There has been any complaint filed against the person with the Board.

2. If a person who is applying for a license for himself or herself previously held a license in the same category and ~~[surrendered]~~ it ***was held in abeyance*** to become a qualifying agent ***,*** ~~[for a corporation,]~~ the Board may require a background investigation if:

(a) The most recent background investigation was completed more than 18 months before the person applied for the license for himself or herself; or

(b) There has been any complaint filed against the person with the Board.

Sec. 5. NAC 648.265 is hereby amended to read as follows:

648.265 1. After August 15, 1981, the Board will not approve any application by a person to become a qualifying agent in the same category of license for more than one corporation. Any person whom the Board has approved before that date as a qualifying agent for two or more corporations may continue to serve each such corporation so long as the person does not terminate affiliation with it.

2. Any person who holds a license issued by the Board must ~~[surrender that]~~ ***have his or her*** license ~~[for cancellation or to be]~~ held in abeyance before the Board will approve the person's application to become a qualifying agent ~~[for a corporate license]~~ in the same category of license.

3. Any person who has been issued an identification card as the qualifying agent ~~[for a corporate licensee]~~ must surrender that card to the Board for destruction before the Board will approve the person's application for a license for himself or herself or return the person's license held in abeyance.

Sec. 6. NAC 648.310 is hereby amended to read as follows:

648.310 1. The Board will prepare ***and administer*** examinations ~~[and may designate one or more police officers or other law enforcement officials to administer them.~~

~~2. Examinations will be given]~~ in January, April, July and October of each year ~~[.]~~ ***and at any other time the Executive Director deems necessary.***

~~[3.]~~ ***2.*** The Executive Director shall fix the time, date and place for each examination.

~~[4.]~~ ***3.*** Except as otherwise provided in subsection ~~[5.]~~ ***4,*** examinations will be administered simultaneously to all applicants whether or not the examinations are being given at one location or more than one location.

~~[5.]~~ ***4.*** Field examinations for licensing as canine security handlers and trainers will not be administered at the same time as written examinations are being given.

Sec. 7. NAC 648.330 is hereby amended to read as follows:

648.330 1. If a licensee or an applicant is or becomes employed as a peace officer, as defined in NRS 169.125, or by a federal, state or local law enforcement agency, or in a position which makes him or her eligible to contribute to any public employees' retirement system and the Board finds that his or her private activities as a licensee create or would tend to create:

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in the private activities,

➥ the Board will hold his or her license in abeyance for as long as he or she continues to have those responsibilities or serve in that position. Except as otherwise provided in subsection 2, a licensee may not engage in licensed activities while his or her license is being held in abeyance.

2. Except as otherwise provided in this subsection, a licensee who is ~~[the]~~ ***a*** qualifying agent ~~[for a corporate licensee pursuant to chapter 648 of NRS may]~~ ***must*** have his or her license ~~[placed]~~ ***held*** in abeyance ~~[as long as he or she refrains]~~ ***and refrain*** from engaging in licensed activities independent of his or her status as a qualifying agent. A licensee who became a qualifying agent before January 1, 1985, may have the license that is in the same category as his or her status as a qualifying agent ~~[placed]~~ ***held*** in abeyance for as long as he or she retains such status. If the Board finds that a licensee's status as a qualifying agent creates or would tend to create:

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in the private activities,

➥ the licensee may no longer act as a qualifying agent for the corporation.

3. ~~[A licensee whose license is held in abeyance pursuant to subsection 1 or 2, must surrender the license to the Executive Director of the Board.]~~ If the provisions of subsection 1 or 2 no longer require that a license be held in abeyance, the Executive Director shall return the license to the former holder. The Executive Director may consult with the Board before making this determination.

4. If a licensee who is not in the situation described in subsection 1 or 2 wishes to have his or her license held in abeyance, he or she may voluntarily ~~[surrender the license to the Executive Director, who will]~~ ***request that the Board*** hold it in abeyance for any period specified by the requester, not exceeding 3 years. The Board may, upon request, grant an extension of the 3-year period if it finds that good cause warrants the extension. The Board will conduct an investigation

of each licensee who, at the time he or she requests the return of the license held in abeyance pursuant to this subsection:

(a) Is not a qualifying agent ***;*** ~~[of a corporation licensed by the Board;]~~

(b) Is not working pursuant to any other license issued to him or her by the Board; or

(c) Is not employed as a peace officer, as defined in NRS 169.125, or by a federal, state or local law enforcement agency, or in a position which makes him or her eligible to contribute to any public employees' retirement system and the Board believes that his or her private activities as a licensee create or would tend to create:

(1) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(2) The possibility of a use of his or her position with the public employer for personal advantage in the private activities.

➥ The Board will, upon completion of its investigation, notify the licensee whether the license will be returned.

5. The Board will not hold the license of an intern in abeyance.

6. A license which is being held in abeyance pursuant to this section must be renewed in accordance with the provisions for such licenses set forth in chapter 648 of NRS.

Sec. 8. NAC 648.338 is hereby amended to read as follows:

648.338 1. Except as otherwise provided in subsection 2, a licensee may not employ an unlicensed person who is or becomes employed:

(a) As a peace officer, as defined in NRS 169.125;

(b) By a federal, state or local law enforcement agency; or

(c) In a position which makes the unlicensed person eligible to contribute to any public employees' retirement system.

2. Upon receipt of a written request for exemption ~~[, the]~~ ***:***

(a) The Board may grant an exemption from the ~~[prohibitions]~~ ***prohibition*** set forth in ***paragraph (a) or (b) of*** subsection 1 if the Board ***makes the findings specified in subsection 3.***

(b) The Executive Director or his or her designee may grant an exemption from the prohibition set forth in paragraph (c) of subsection 1 if the Executive Director or his or her designee makes the findings specified in subsection 3.

3. The Board or the Executive Director or his or her designee may grant an exemption pursuant to subsection 2 if the Board or the Executive Director or his or her designee, as applicable, finds that the private activities of the unlicensed person on behalf of the licensee would not create or tend to create:

(a) A conflict of interest with his or her responsibilities to the public employer and his or her duty to discharge them; or

(b) The possibility of a use of his or her position with the public employer for personal advantage in his or her private activities.

Sec. 9. NAC 648.3385 is hereby amended to read as follows:

648.3385 1. A licensee shall not employ a person unless the person employed by the licensee is provisionally registered or registered. A licensee shall immediately terminate the employment of a person employed by a licensee if the Board notifies the licensee that the Board has denied, suspended or revoked the provisional registration or registration of the person.

2. If a person applies for employment with a licensee, the licensee or a designated employee of the licensee shall review the system of records maintained by the Board pursuant to NAC

648.3435 to determine whether the person is registered, is provisionally registered or has had his or her registration or provisional registration denied, suspended or revoked.

3. If a licensee determines that the person is not registered or provisionally registered, and is not subject to denial, suspension or revocation, the licensee must instruct the person to:

(a) Complete the application for registration;

(b) Obtain ~~[two]~~ ***a*** complete ~~[sets]~~ ***set*** of fingerprints or provide a receipt for electronic submission of fingerprints to the Board;

(c) Pay all applicable fees; and

(d) Unless otherwise instructed by the Board, submit the application for registration to the Board.

4. If a licensee determines that the provisional registration or registration of a person who applies for employment with the licensee has been denied, suspended or revoked by the Board, the licensee shall notify the applicant that he or she must contact the Board to obtain information concerning the denial, suspension or revocation.

5. Each licensee shall ~~[maintain a passport-size photograph of]~~ ***retain a copy of the pocket card issued pursuant to NRS 648.1493 to*** each person employed by the licensee. The licensee shall retain the ~~[photograph]~~ ***copy*** for not less than 5 years after the last date on which the person is employed by the licensee. The ~~[photograph]~~ ***copy*** may be in the form of a photograph or may be digitally stored, but the ~~[photograph]~~ ***copy*** must be capable of being reproduced and available at the request of the Board.

6. Any person who violates the provisions of this section is subject to disciplinary action by the Board.

7. A licensee shall maintain written documentation establishing that the licensee received an application from each applicant for employment before accessing the Internet website established pursuant to NAC 648.3435 for at least 4 years after the date of receipt of the application.

8. The Board will interpret "employed by" as used in this section and NRS 648.060 to include a person who performs the same duties as an employee.

Sec. 10. NAC 648.3403 is hereby amended to read as follows:

648.3403 1. The Board will charge and collect the following fees for registration with the Board:

(a) If the applicant submits to the Board ~~[two]~~ ***a*** fingerprint ~~[cards,]~~ ***card,*** $95; or

(b) If the applicant submits to the Board a receipt for the electronic submission of ***a*** fingerprint ~~[cards,]~~ ***card,*** $85.

2. Each applicant must submit the fee required by subsection 1 with the application for registration.

3. The fee required by this section is in addition to any other fee required by law.

Sec. 11. NAC 648.341 is hereby amended to read as follows:

648.341 Before a licensee employs an unlicensed person, ~~[a private patrol officer or security guard who is licensed by the Board]~~ ***the licensee*** must ~~[:~~

~~1. Administer an examination provided by the Board and ensure that the unlicensed person passes the examination with a score of 100 percent;~~

~~2. Verify]~~ ***verify*** that the unlicensed person has passed ~~[an]~~ ***the*** examination administered by the Board ***pursuant to NAC 648.342*** with a score of 100 percent ***.*** ~~[; or~~

~~3. Verify that the unlicensed person has passed an examination administered by another licensee within the immediately preceding 60 months with a score of 100 percent.]~~

Sec. 12. NAC 648.342 is hereby amended to read as follows:

648.342 The examination ~~[provided]~~ ***required by NAC 648.341 must be:***

1. Provided and administered by the Board ***;*** and ~~[administered by the licensee must be designed]~~

2. Designed to ensure that each registered employee has a familiarity with and a thorough understanding of core topics, and must include, without limitation:

~~[1.]~~ ***(a)*** Recognizing noncompliance with specific laws, including, without limitation, NRS 171.126, 199.310, 199.430, 207.200, 648.013, 648.016, subsection 5 of NRS 648.030, NRS 648.060, 648.063, 648.140, 648.160, 648.200 and 648.203;

~~[2.]~~ ***(b)*** Recognizing noncompliance with specific regulations, including, without limitation, subsection 3 of NAC 648.334, NAC 648.338 and subsection 5 of NAC 648.431;

~~[3.]~~ ***(c)*** General rights of citizens;

~~[4.]~~ ***(d)*** Powers of arrest; and

~~[5.]~~ ***(e)*** Limits of authority.

Sec. 13. NAC 648.343 is hereby amended to read as follows:

648.343 1. ~~[A private patrol officer or security guard licensed by the Board who administers an examination provided by the Board to an unlicensed person shall record the date of the examination on the unlicensed person's record on the Internet website established pursuant to NAC 648.3435 within 5 business days after the date of the examination.~~

~~2. The licensee shall keep a copy of the results of the examination on file for 60 months after the date of the examination.]~~ The Board may audit the records of ~~[the]~~ ***a*** licensee ~~[. The~~

~~licensee shall notify the Board through the Internet website established pursuant to NAC 648.3435 within 10 days after the licensee terminates the employment of an unlicensed employee.~~

~~3. As proof that an unlicensed employee has passed the examination with a score of 100 percent, a licensee may accept a card issued for that purpose by the Board to the unlicensed employee which contains the results of the examination or verify the examination through the Internet website established pursuant to NAC 648.3435.]~~ ***to ensure compliance of the licensee with this chapter, chapter 648 of NRS and any other relevant provision of law by reviewing the records of the licensee, including, without limitation:***

(a) Documentation of any industrial insurance held by the licensee;

(b) Documentation and records of the licensee relating to payroll, workers' compensation and unemployment;

(c) Business records of the licensee or filings submitted by the licensee in the normal course of business;

(d) Any state business license held by the licensee;

(e) Advertisements or written communications described in NAC 648.525;

(f) Copies of any pocket cards retained by the licensee pursuant to NAC 648.3385; and

(g) Copies of any photograph submitted pursuant to NAC 648.530.

2. The Board may conduct an audit authorized by subsection 1 at the primary place of business of the licensee, a branch or other place of business of the licensee or at the office of the Board.

3. A licensee shall make any record requested by the Board available to the Board within 30 days after receipt of the request. Failure to comply with the requirements prescribed by this subsection constitutes grounds for disciplinary action pursuant to NRS 648.150.

Sec. 14. NAC 648.3435 is hereby amended to read as follows:

648.3435 1. The Board will establish and maintain an Internet website that contains a system of records which:

(a) Contains information regarding ~~[:]~~ ***each person who:***

(1) ~~[Each person who is]~~ ***Is*** registered with the Board, including, without limitation, the contact information of the licensee who employs the person; ~~[and]~~

(2) ~~[Each person who has]~~ ***Has*** applied for registration with the Board, including, without limitation, the contact information of the person; ~~[and]~~ ***or***

(3) Has successfully completed a course of training in carrying, handling and using firearms safely, including, without limitation, information contained on any certificate of completion issued to the person and a description of any other qualifications of the person relating to firearms; and

(b) Identifies each person whose registration is expired, is denied by the Board, or is otherwise suspended or revoked.

2. ***The Board will include on the Internet website information concerning any training required for the issuance or renewal of a license or registration.***

3. The portion of the Internet website that contains the system of records may only be accessed in the manner authorized by this section and NAC 648.3385.

~~[3.]~~ ***4.*** Before a licensee grants any employee access to the portion of the Internet website that contains the system of records maintained by the Board, the licensee shall provide the Board with the name, social security number and date of birth of the employee.

~~[4.]~~ ***5.*** Upon the termination of employment of the employee or the reassignment of the employee to a position that no longer requires the employee to access the portion of the Internet website that contains the system of records, the licensee shall immediately notify the Board of the termination or reassignment.

~~[5.]~~ ***6.*** Except as otherwise provided in this section and NAC 648.3385, the information contained in the system of records is confidential and must not be disclosed by any licensee or employee of a licensee.

Sec. 15. NAC 648.344 is hereby amended to read as follows:

648.344 1. If a person who is registered becomes employed by another or additional licensee, the new employer shall file a change of employment notice with the Board by entering the information required by the Board into the system of records contained on the Internet website established pursuant to NAC 648.3435 not later than ~~[5]~~ ***3*** business days after the employee becomes employed with the new employer.

2. A person is deemed provisionally registered as an employee upon the filing of a change of employment notice ~~[in accordance with]~~ ***by an employer pursuant to*** subsection 1. The provisional registration is valid for 90 days after the provisional registration is issued by the Board, unless the Board denies, suspends or revokes the provisional registration.

3. The filing of the change of employment notice does not affect the date on which the registration of the employee expires.

4. A licensee that terminates the employment of a person who is registered shall, not later than 3 business days after the date on which the termination occurs, file a termination of employment notice with the Board by entering the information required by the Board into the system of records contained on the Internet website established pursuant to NAC 648.3435.

5. If a person who is registered as an employee has not performed work for a licensee within the immediately preceding 12 months, the licensee must immediately terminate the employment of the person and file a termination of employment notice with Board in accordance with subsection 4.

Sec. 16. NAC 648.345 is hereby amended to read as follows:

648.345 1. A licensee or an employee who is registered pursuant to NRS 648.1493 may not carry any firearm while performing the duties for the type of business for which he or she is licensed or employed unless the licensee or employee:

(a) Is certified by the Board as a firearms instructor pursuant to subsection ~~[2;]~~ ***3*** or ~~[~~ ~~(b) Has]~~ ***has*** successfully completed and received certification from a course of training approved by the Board in carrying, handling and using firearms safely ~~[.]~~ ***; and***

(b) Is at least 21 years of age.

2. ***An employee who is provisionally registered pursuant to NRS 648.1495 may not:***

(a) Attend or receive certification from a course of training approved by the Board in carrying, handling and using firearms safely; or

(b) Carry a firearm while performing the duties for the type of business for which he or she is employed.

3. The Board may certify a person who meets the requirements of subsection 1 of NRS 648.110 as a firearms instructor in carrying, handling and using firearms safely if the applicant:

(a) ~~[Is at least 21 years of age.~~

~~(b)]~~ Has not been convicted of a felony or any crime involving the illegal use or possession of a firearm.

~~[(c)]~~ ***(b)*** Submits a completed application with proof satisfactory to the Board of the applicant's qualifications and experience and pays a fee of $100. The application must include:

(1) A detailed statement of the applicant's qualifications and experience in carrying, handling and using firearms.

(2) A detailed statement of the applicant's qualifications and experience in providing instruction to other persons in carrying, handling and using firearms safely, including, without limitation, the applicant's experience in providing instruction to peace officers, security officers or military personnel in carrying, handling and using firearms safely.

(3) Evidence of the applicant's successful completion of at least 40 hours of training on the instruction of peace officers, security officers or military personnel in carrying, handling and using firearms safely, and evidence of the applicant's certification as an instructor for peace officers, security officers or military personnel for each type of firearm for which the applicant wishes to provide such instruction.

~~[(d)]~~ ***(c)*** Successfully passes a written examination for firearms instructors, which must include, without limitation, questions relating to:

(1) The applicable federal and state laws and regulations, local government ordinances and court decisions related to carrying, handling and using firearms and the use of deadly force.

(2) The requirements of this chapter and chapter 648 of NRS and any administrative requirements.

(3) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(4) The process for conducting and the contents of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

~~[(c)]~~ ***(d)*** Successfully passes a live fire skills test for firearms instructors by:

(1) Demonstrating each of the skills required by the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346.

(2) Qualifying with the course of fire established ***and maintained*** by the Board pursuant to NAC 648.346 with a minimum score of ~~[275 out of 300 on a full-size B27-type target]~~ ***90 percent*** for each type of firearm for which the applicant wishes to provide such instruction.

(3) Demonstrating knowledge of the minimum curriculum for a course of training in carrying, handling and using firearms safely pursuant to NAC 648.346 by successfully teaching any section of the course with not more than 15 minutes of notice from an instructor designated by the Board.

➥ At any time during the live fire skills test, an instructor designated by the Board may prohibit an applicant from proceeding because the applicant has demonstrated a skill deficiency or has committed a safety violation.

~~[3.]~~ ***4.*** To renew the applicant's certification as a firearms instructor, the applicant must:

(a) Submit an application for renewal to the Board on or before July 1 next following the date the certificate was issued or last renewed;

(b) Submit proof satisfactory to the Board of the completion of at least 8 hours of education or training on the subjects described in NAC 648.346 within the previous 12 months; and

(c) Pay a fee to the Board of $100.

~~[4.]~~ ***5.*** As evidence of a person's certification as a firearms instructor or renewal thereof, the Board will issue to the person a certification card which he or she shall carry on his or her person.

Sec. 17. NAC 648.346 is hereby amended to read as follows:

648.346 1. Except as otherwise provided in subsection 5, the minimum curriculum for a course of training in carrying, handling and using firearms safely that is taught for the purposes of NRS 648.030 must include instruction designed to teach:

(a) The legal and civil responsibilities of carrying, handling and using a firearm, including:

(1) The applicable federal and state laws and regulations and local governmental ordinances related to carrying, handling and using firearms and the use of deadly force.

(2) The civil and criminal liability related to carrying, handling and using firearms and the use of deadly force.

(3) The consequences and risks related to carrying, handling and using firearms and the use of deadly force.

(4) The elements of self-defense, using a weapon in self-defense and the use of force.

(5) Recent court decisions related to carrying, handling and using firearms and the use of deadly force.

(b) The terminology related to and the maintenance of different types of firearms and their related systems, including:

(1) The operational and mechanical systems and parts of a firearm and the related terminology.

(2) The types of ammunition and their ballistic properties and effective uses.

(3) The inspection, storage and general care of ammunition.

(4) The inspection, care, cleaning and maintenance of a firearm.

(c) Carrying, handling and using a firearm safely, including:

(1) The safe handling, use and storage of firearms when off duty.

(2) The safe transportation of a firearm.

(3) The appropriate methods of safely carrying a firearm while on duty.

(4) Safety and accessory equipment available to carry, handle and use a firearm safely.

(d) The fundamentals of safe handling and shooting of firearms, including:

(1) The fundamentals of operating a handgun ~~[.]~~ ***, rifle and shotgun.***

(2) The general differences among handguns ~~[.]~~ ***, rifles and shotguns.***

(3) The proper procedures and devices for loading, unloading and reloading a firearm.

(4) The fundamentals of shooting, such as the use of sights, sight picture and alignment, control of the trigger, breathing and firing in a single or double action.

(5) Proper techniques for gripping a handgun ***, rifle and shotgun*** and shooting positions.

(6) Procedures for drawing and reholstering a firearm and techniques for retaining a firearm.

(7) The various positions for shooting when standing or kneeling.

(8) The use of barricades or other forms of cover and alternate shooting positions.

(e) The preparation for shooting at a firing range, including:

(1) The location of the range.

(2) The equipment to be used at the range.

(3) The course of fire ~~[.]~~ ***established and maintained by the Board.***

(4) Targets to be used.

(5) Commands at the range.

(6) Safety and etiquette at the range.

(f) Exercises to be used at a firing range and the practical use of a firearm at the firing range, including:

(1) The review of safety procedures and etiquette at the firing range and a safety inspection of all firearms, holsters and accessories.

(2) Practicing drawing and holstering.

(3) Dry firing, the manipulation of the trigger and follow through.

(4) The procedures for loading, unloading and reloading.

(5) Exercises for firing with live ammunition to practice proper shooting techniques while firing at targets with a firearm of the same type and caliber as the firearm the person will use while on duty.

(6) Qualifying with ~~[a]~~ ***the*** course of fire established ***and maintained*** by the Board ~~[, using a firearm of the same type and caliber as the firearm the person will use while on duty. The course of fire must require firing at least 30 rounds of live ammunition with a passing score of 75 percent, and must include drawing and:~~

~~(I) Shooting 5 rounds of ammunition from a distance of 3 yards in 15 seconds using only the dominant hand;~~

~~(II) Transferring the firearm to the support hand and shooting 5 rounds of ammunition from a distance of 3 yards in 15 seconds using only the support hand;~~

~~(III) Shooting 5 rounds of ammunition while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling, from a distance of 7 yards in 30 seconds; and~~

~~(IV) Shooting 5 rounds of ammunition while standing, reloading the firearm and shooting 5 rounds of ammunition while kneeling, from a distance of 15 yards in 30 seconds,~~

~~on a full-size B27-type target. The scoring areas on the target are the "X" in the center of the target, which receives a score of 10, and the 10, 9, 8 and 7 rings. Any hits outside of such areas do not receive a score.]~~ ***with a passing score of at least 75 percent.***

2. Except as otherwise provided in subsection 5, the course must consist of:

(a) Eight hours of training and instruction on carrying, handling and using a firearm safely, including the completion of a written examination designated by the Board, with a passing score of ***at least*** 75 percent.

(b) A minimum of ~~[5]~~ ***8*** hours of instruction and training on a firing range during which each person must qualify using a firearm of the same type and caliber as the firearm the person will use while on duty.

3. The course must be completed within a period of 14 days. Each day of the course must consist of a number of contact hours of training. Not more than 9 contact hours of training may occur on any day.

4. If a person fails to complete the written examination with a passing score of ***at least*** 75 percent as specified in paragraph (a) of subsection 2 or to qualify ~~[using a firearm of the same type and caliber as the firearm the person will use while on duty]~~ ***with the course of fire with a passing score of at least 75 percent*** as specified in subparagraph (6) of paragraph (f) of subsection 1:

(a) Except as otherwise provided in paragraph (b), the person must repeat the course in full before retaking the written examination and firearm qualification.

(b) At the discretion of the instructor, for good cause shown, the person may retake the written examination and the firearm qualification without repeating the course in full if the person completes such remedial training as the instructor determines is appropriate, taking into

account the person's performance on the previous written examination and firearm qualification. The instructor may charge an additional fee for the remedial training.

5. If a firearms instructor is unable to provide a course which meets the requirements of this section because he or she provides security on a military installation and has no other reasonable means to provide the training and qualification required for such a course, he or she may submit a written request to the Executive Director asking for an exemption from those requirements and permission to offer a course with substitute training and qualification for persons employed on that military installation. When requesting an exemption pursuant to this subsection, the firearms instructor must provide:

(a) Proof of his or her inability to provide a course which meets the requirements of this section and to make reasonable accommodations to provide the training and qualification required for such a course; and

(b) A copy of the proposed substitute training and qualification and a signed affirmation, on a form provided by the Board, acknowledging that any person who successfully completes the course is required to sign a form pursuant to subsection 6.

➥ The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.

6. Before a person who successfully completes a course pursuant to subsection 5 may carry a firearm on the military installation on which he or she is employed, the person must sign an affirmation, on a form provided by the Board, acknowledging that:

(a) He or she is only authorized to carry a firearm of the same type and caliber that he or she is qualified to carry and only on the military installation where he or she is employed; and

(b) The certification card issued to the person pursuant to NAC 648.350 will be confiscated upon termination of his or her employment on the military installation.

7. As used in this section, "contact hour" means 50 minutes of instruction in a period of 60 minutes.

Sec. 18. NAC 648.350 is hereby amended to read as follows:

648.350 1. To certify a person's successful completion of the course of training in carrying, handling and using firearms safely, and his or her successful qualification with a firearm, a firearms instructor shall, within ~~[5]~~ ***2*** days ~~[of]~~ ***after*** the person's successful completion of the course of training ~~[and on a form provided by the Board, submit to the Board]~~ ***,*** ***record*** the person's name and registration number, the time, date and location of the course of training, and the certifications and qualifications that the person obtained ~~[.]~~ ***in the person's record on the Internet website established pursuant to NAC 648.3435.***

2. After ~~[receipt of]~~ the information ~~[submitted pursuant to]~~ ***described in*** subsection 1 ~~[,]~~ ***has been recorded on the Internet website established pursuant to NAC 648.3435,*** the Board will:

(a) Issue to a person who has successfully completed the course of training a plastic certification card which contains the name, photograph and registration number of the person, the expiration date of the person's certification and the designated qualification months established for that person pursuant to subsection 3; and

(b) Maintain an electronic record for each person who has been issued a certification card pursuant to paragraph (a) that indicates whether the person's card is valid and lists each type and caliber of firearm that the person is certified to carry, handle and use.

3. A person who has been certified pursuant to this section and who wishes to maintain his or her certification must successfully qualify for certification every 6 months, on any day during his or her designated qualification months. The designated qualification months are determined by the month of the person's initial qualification and will not change. If, after a person's initial qualification, the person successfully qualifies for certification or for a different type or caliber of firearm during a month that is not one of his or her designated qualification months, the person must successfully qualify again during his or her next designated qualification month, even if the period between such qualifications is less than 6 months. The qualification cycle will be as follows:

Initial course month	Designated qualification months
January or July	January and July
February or August	February and August
March or September	March and September
April or October	April and October
May or November	May and November
June or December	June and December

4. The certification card issued pursuant to subsection 2 is valid for 5 years if the person successfully qualifies every year during each of his or her designated qualification months on a course of fire that is given by a certified firearms instructor and is approved by the Board. If the person fails to qualify during any of his or her designated qualification months, the card becomes

invalid and the person shall not use a firearm in the course of employment until he or she successfully qualifies.

5. Except as otherwise provided in this subsection, if a person fails to qualify for at least 2 successive designated qualification months or his or her certification card expires, he or she must repeat the course of training. If a person fails to qualify during at least 2 successive designated qualification months or his or her certification card expires because he or she is deployed on full-time active duty in the Armed Forces of the United States, the person may request an exemption from repeating the course of training by submitting a written request along with official documentation of such deployment to the Executive Director. The Executive Director may, in his or her discretion and on a case-by-case basis, grant an exemption pursuant to this subsection after taking into consideration the totality of the circumstances.

6. To cover the Board's administrative costs related to the certification and qualification of a person by a certified firearms instructor, the instructor shall remit to the Board $25 for each certification card issued by the Board pursuant to this section and $5 for each qualification of a person pursuant to subsection 3. If a person's certification card is lost or stolen, the person must remit to the Board $25 to obtain a replacement card.

7. The person to whom the certification card is issued shall:

(a) Have it in his or her possession while carrying a firearm in the performance of his or her duties;

(b) Produce it upon the request of any peace officer or a representative of the Board; and

(c) Not carry or possess a firearm in the performance of his or her duties unless the certification card is valid.

Sec. 19. NAC 648.431 is hereby amended to read as follows:

648.431 1. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

	First Offense	Second Offense	Third and Subsequent Offense
NRS 648.135	$50	$100	$200
Subsection 2 of NRS 648.142	25	50	75
Subsection 3, 4 or 5 of NRS 648.142	50	100	200
Subsection 1 of NAC 648.530	50	100	200

2. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

Subsection 1 of NRS 648.148	$50
Subsection 2 of NRS 648.148	75
Subsection 1 of NRS 648.149	50
NAC 648.380	25
NAC 648.525	100

3. If a notice of violation is issued, the Board will impose a fine upon a licensee calculated per employee of not more than the following amounts for violations of the provisions listed:

	First Offense	Second Offense	Third and Subsequent Offense
Subsection 2 of NRS 648.060	$50	$75	$100
Subsection 2 or 3 of NRS 648.140	25		
~~[NAC 648.343	25]~~		
Subsection 1 of NAC 648.345	750		

4. If a notice of violation is issued, the Board will impose a fine of not more than:

(a) For the first violation of a provision of NAC 648.350, $500; and

(b) For the first violation of subsection 2 of NAC 648.530, $300.

➥ In the case of a second or subsequent violation, the Board will take any disciplinary action authorized pursuant to NRS 648.175 which the Board deems appropriate.

5. If a notice of violation is issued, the Board will impose a fine of not more than $150 on a licensee's employee who violates subsection ~~[4]~~ ***5*** of NAC 648.345.

Sec. 20. NAC 648.433 is hereby amended to read as follows:

648.433 1. A copy of the notice of violation must be served personally or by certified or registered mail. The original notice must be filed in the office of the Board.

2. A fine imposed in a notice of violation ~~[must]~~ ***may*** be paid by ***credit card, debit card,*** cashier's check or money order.

3. The Board may, upon request, arrange a schedule of payments for the payment of such a fine.

Sec. 21. NAC 648.439 is hereby amended to read as follows:

648.439 1. A copy of a citation issued pursuant to NRS 648.165 must be served personally or by certified or registered mail. The original citation must be filed in the office of the Board.

2. A fine assessed pursuant to subsection 4 of NRS 648.165 ~~[must]~~ ***may*** be paid by ***credit card, debit card,*** cashier's check or money order.

3. The Board may, upon request, arrange a schedule of payments for the payment of such a fine.

Sec. 22. NAC 648.235, 648.320 and 648.325 are hereby repealed.

TEXT OF REPEALED SECTIONS

648.235 Corporations: Licensing without qualifying agent. (NRS 648.030)

1. The Board may grant a license to a corporation without a qualifying agent if the corporation:

(a) Complies with all other statutory and regulatory prerequisites for the license;

(b) Agrees to file an application for a qualifying agent within 6 months after the date the Board approves the application; and

(c) Agrees not to engage in the occupation for which it is licensed until the application for a qualifying agent is approved by the Board.

2. If a corporation is granted a license pursuant to subsection 1 and fails to comply with any provision of subsection 1, the license is automatically forfeited and the Board will rescind its approval and reject the application.

3. If the Board rescinds its approval pursuant to this section, the Executive Director shall demand the return of the license, and the licensee shall return it as soon as practicable.

648.320 Compliance with prerequisites for license. (NRS 648.030)

1. Except as otherwise provided pursuant to NAC 648.235, if the Board has approved an application for a license and has directed that the license be issued subject to compliance by the applicant with all statutory and regulatory prerequisites for the license, the applicant must comply within 90 days after the date on which the Board approved the application.

2. If the applicant fails to comply within 90 days, the Board may rescind its approval and reject the application unless the applicant has shown good cause for the delay.

3. If the Board rescinds its approval pursuant to this section, the Executive Director shall demand the return of the license, and the licensee shall return it as soon as practicable.

648.325 Insurance required for all services provided under license. (NRS 648.030, 648.135) A licensee must be properly insured pursuant to NRS 648.135 for all services provided under his or her license.

Appendix C

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 648.

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

This regulation is necessary to update the regulations to comply with recent statutory changes.

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 made available at the website of the Private Investigators Licensing Board https://pilb.nv.gov/ , or interested persons may contact the Executive Director at vsaladino@pilb.nv.gov or pilbinfo@pilb.nv.gov to obtain a copy of the summary and posted at the following locations:

The Private Investigators Licensing Board
Las Vegas Office
3110 S. Durango Drive Suite 203
Las Vegas, NV 89117
Carson City Office
400 W. King Street Suite 101
Carson City, NV 89703

Cannabis Control Board Southern Nevada
700 E. Warm Springs Road Suite 100
Las Vegas, NV 89119

Cannabis Control Board Northern Nevada
3850 Arrowhead Drive Suite 100
Carson City, NV 89706

A workshop was held on April 14, 2023, at the Nevada Gaming Control Board, Grant Sawyer State Office Building 555 E, Washington Ave. Room 2450 Las Vegas, NV 89101 and in Carson City at the Nevada Gaming Control Board 1919 College Parkway Carson City, NV 89706 regarding changes to NAC 648 and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed regulation changes. An additional workshop was held on April 17, 2024, at 555 E. Washington Ave. Las Vegas, NV and in Carson City at the Nevada Gaming Control Board 1919 College Parkway Carson City, NV 89706 regarding changes to NAC 648 and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed regulation changes.

Following the April 17, 2024 workshop, the Private Investigators Licensing Board submitted a survey to all licensees regarding the regulation changes in May of 2024. Based on the responses from the survey, NAC 648.530 Uniforms, badges and patches were removed from the update due to the economic impact that it would have caused. On June 17, 2024, the regulations were set to the Legislative Counsel Bureau. The Private Investigators Licensing Board received R-127-24RP1 (draft) on September 9, 2024. On June 30, 2025, the Private Investigators Licensing Board held a Notice of Intent To Act Upon Regulation.

3. The number persons who:

(a) Attended each hearing: April 14, 2023: 15 – April 17, 2024: 30

(b) Testified at each hearing: See minutes for both meetings

(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 minutes from both meeting are available on our website, https://pilb.nv.gov or by contacting the Executive Director at vsaladino@pilb.nv.gov or pilbinfo@pilb.nv.gov

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

No changes were needed due to changes being made before the adoption satisfies all concerns. The change to the regulation regarding uniforms (NAC 648.530) was removed as it would have had the greatest economic impact on the industry. The permanent regulation was adopted on June 30, 2025.

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

The Private Investigators Licensing Board has not identified any economic impact on the public or small businesses from adopting the proposed regulatory changes. This was determined by the results of the workshop held on April 17, 2024, and the results of the survey that was conducted in May of 2024. The proposed regulatory change that would have had an economic impact was removed (NAC 648.530 Uniforms, badges and patches).

(b) Both immediate and long-term effects.

See Item # 5(a)

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.

The Private Investigators Licensing Board is not aware of any similar regulations of other state or government agencies that the proposed changes overlap or 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.

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.

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
LAS VEGAS, April 14, 2023

NAME	Address / Email /Phone
1. JONATHAN ALVAREZ	2620 REGATTA DR. LV 89128 J.ALVAREZ@PROTECTIVEFORCEINTL.COM 702-764-8882
2. BOB COX	7674 W. LAKE MEAD # 250 89128 RCOX@TRESTONSECURITY.COM 702-498-5751
3. JOE GERMAIN	8276 S. EASTERN #200 JGERMAIN@CICREPORTS.COM (702) 580-2407
4. Spring R. Cargill	7609 Homemade CT. SPRING@BlackstoneSecurity.COM 312-881-0225
5. MARK ZANE	9 Frey ST. Sparks NV 89431 MARKZANE@ZANEINVESTIGATIONS.COM
6. EARL COSTELLO	9642 CAMINO CAPISTRANO LV NV 89147
7. SHAUN UMI	3110 S Durango Dr Suit 201 719-433-0302 shaun@ipsprotection.com
8. Rhonda Eidson	2620 Regatta Dr. Las Vegas, NV 89128 r.eidson@protectiveforceintl.com 702-752-6261
9. TOM WYNN	Henderson, NV
10. RICK GIVEN	6955 N. DURANGO STE 1115-366 LVN 89149 RICK@RGIVENCONSULTING.NET
11. Jennifer Knight	702 281-1709 7583 Las Vegas Blvd #188 LV NV 89123 jennifer@trueinvestigations.net
12. Matthew Clay	2755 E Desert Inn Rd Ste #240 Las Vegas NV 89121 matt@BlackstoneSecurity.com
13. LORI IRIZARRY	3110 S Durango. LORI203@HOTMAIL.COM
14. TIM BRYANT	2878 GALENA PEAK LN LAS VEGAS, NV 89156 T.Bryant@protectiveforceintl.com

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
LAS VEGAS, April 14, 2023

15. LEON BOMBARA	2235 E FLAMINGO, Lea 89101 @ 5 mn 1 702-334-0109
16.	
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Kevin Ingram
4/14/2023

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
CARSON CITY, April 14, 2023

NAME	Address / Email /Phone
1. No One in Attendance in Carson	
2. City. April 14, 2023 Inv. David Hubbard	
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14.	

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
Las Vegas, April 17, 2023

NAME	Address / Email /Phone
1. D COM Stock	DComStock90@ymail.com
2. George Barrios	George@ApexExecutiveProtectionServices.com
3. JONATHAN ALVAREZ	JALVAREZ@PROTECTIVEFORCEINTL.COM
4. ALAN ALMEZDA	A. ALMEIDA@ PROTECTIVE FORCEINTL.com
5. Rhonda Eidson	r.eidson@protectiveforceintl.com 702-752-6261
6. Micaela Parisi	m.alvarez@protectiveforceintl.com
7. Herb Pascua	h.pascua@protectiveforceintl.com
8. Derek Bowman	derek.bowman@ LVT.com 520 906 7373
9. MARK ZANE	TEMPNSPI@GMAIL.COM. INFO@NALR.US. MARK ZANE@ZANEINVESTIGATIONS.COM
10. Michael JOHNSTON	MJOHNSTON@PALAMERICAN.COM
11. SGT Star Bryan	2620 Regatta
12. DEREK MALLON	D.MALLON@PROTECTIVEFORCEINTL.COM 702-334-1845
13. Ivette Alvarez	954-662-1354
14. Gilbert Alvarez	"

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
Las Vegas, April 17, 2023

15. Samantha Arnold	S.arnold@protectiveforceintl.com (702) 764-1962
16. Ariel Martinez	A.martinez@protectiveforceintl.com (702) 339-4066
17. Delante Thompson	
18. Lori Calivar	l.calivar@protectiveforceintl.com
19. Chuck BARTH	charlesbarth1asvegas@gmail.com 815 405-9857
20. ABESS	Code 4 abass@ellcode4.com
21. JOEL KISNER	PINNACLE CONSULTING
22. LEON BOMBARD	TRIDENT
23. Sara Bombard	Specalized Protective Service
24. Jacqueline Fileto	Protective Force Intl.
25. Alisa Fuller	Protective Force Intl
26. PAUL PHILLIPS	CODE 4
27. JON SIMON	SPG WORLDWIDE

PRIVATE INVESTIGATORS LICENSING BOARD
WORKSHOP - PUBLIC ATTENDANCE
Las Vegas, April 17, 2023

NAME	E-MAIL OR PHONE #
28. Matthew Clay	NDO @ isps.pro
29. CARY FULLEN	C.FULLEN@PROTECTIVE FORCE INTL.COM
30. Joseph Oviedo	JosephOviedo94@yahoo.com
31.	
32.	
33.	
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Workshop April 14, 2023 – Minutes

Private Investigators Licensing Board

The workshop was held via videoconferencing at the following locations:

Southern Nevada:
Nevada Gaming Control Board
Grant Sawyer State Office Building
555 E. Washington Ave, Room 2450
Las Vegas, NV 89101

Northern Nevada:
Nevada Gaming Control Board
Board Room
1919 College Parkway
Carson City, NV 89706

Executive Director Ingram called the workshop to order at 9:00 AM. He discussed general housekeeping rules and the purpose of the meeting.

Executive Director Ingram covered the Governor Directives that led to the requirement of the workshop.

Executive Director Ingram asked for public comment on items listed and not listed on the agenda. Mark Zane expressed concerns about the conditions of the carpeting within the elevators of the building. No other member of the public provided oral/written comment.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 1, NAC 648.140. Director Ingram asked for public comment on the proposed changes. No member of the public provided oral/written comment or testimony for the reference regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 2, NAC 648.260. Director Ingram asked for public comment on the proposed changes. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item added, NAC 648.235. Executive Director Ingram asked for public comment on the proposed repeal of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 3, NAC 648.265. Executive Director Ingram asked for public comment on the proposed changes. No member of the public provided oral/written comment or testimony on the reference regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 4, NAC 648.310. Executive Director Ingram asked for public comment in the proposed changes. No member of the public provided oral/written comment or testimony on the reference regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 5, NAC 648.320. Executive Director Ingram asked for public comment on the proposed changes. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 6, NAC 648.330. Executive Director Ingram asked for public comment on the proposed changes. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item added, NAC 648.325. Executive Director Ingram asked for public comment on the proposed repeal of the regulation. Mark Zane expressed concern that the statute is not as specific as the regulation on the type of insurance required and suggested a revision to NRS 648.135 if this regulation was repealed. No other member of the public provided oral/written comment or testimony regarding the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 7, NAC 648.338. Executive Director Ingram asked for public comment on the proposed changes. Mark Zane stated that this amendment should include the requirement of the Executive Director to provide a report to the Board during the next regularly scheduled Board meeting so that the exemptions become part of public record. No other member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 8, NAC 648.3385. Executive Director Ingram asked for public comment regarding the proposed changes. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 9, NAC 648.341. Executive Director Ingram asked for public comment regarding the proposed changes of the regulation. Lori Irizarry asked whether all work card applicants would be required to take the exam. Executive Director Ingram responded, stating the exam would need to be completed by all work card applicants regardless of what the work card would be used for. Lor Irizarry asked if a fine would be assessed if an audit was to find employees working without completing the exam. Executive Director Ingram replied that a fine would be considered. No other member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 10, NAC 648.342. Executive Director Ingram asked for public comment regarding the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 11, NAC 648.343. Executive Director Ingram asked for public comment regarding the proposed changes of the regulation. Jonathan Alvarez expressed concern that there is not a specific timeframe established for how long records need to be kept for both past and present employees. Mark Zane suggested there should be clarification on section 2 (c) of the regulation to also include company banking accounts. Lori Irizarry asked if the penalty included both the fine and possible Board disciplinary action or if only one would occur. She also suggested there be clarification on who is being audited, whether it is the Qualifying Agent or the licensed company. No other member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 12, NAC 648.3435. Executive Director Ingram asked for public comment of the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 13, NAC 648.344. Executive Director Ingram asked for public comment on the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 14, NAC 648.345. Executive Director Ingram asked for public comment on the proposed changes of the regulation. Jonathan Alvarez asked for clarification on whether individuals that are added to a new roster and starting a new provisional period will have to wait to become armed if they have their active work card. Executive Director Ingram replied that the individual would not have to wait since they do possess an active work card. No other member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 15, NAC 648.346. Executive Director Ingram asked for public comment on the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 16, NAC 648.350. Executive Director Ingram asked for public comment on the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 17, NAC 648.431. Executive Director Ingram asked for public comment on the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 18, NAC 648.433. Executive Director Ingram asked for public comment on the proposed changes of the regulation. Lori Irizarry suggested adding verbiage to allow a company to also pay with a business check. No other member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 19, NAC 648.439. Executive Director Ingram asked for public comment on the proposed changes of the regulation. No member of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 20, NAC 648.530. Executive Director Ingram asked for public comment on the proposed changes of the regulation. Jonathan Alvarez asked if the amendments limiting the use of certain uniforms,

patches, logos, and vehicle markings would apply to new companies only or previous/existing companies. He voiced concern with the cost associated with existing companies having to change their branding including uniforms, vehicles, etc. He also expressed concern that if law enforcement entities change uniforms in the future that security companies could again bear the cost of having to change again. Mr. Alvarez suggested that existing companies be grandfathered in. Executive Director Ingram replied that he understands there will be a cost associated with companies changing their uniforms, logos, etc. and it is not the Board's intent to cause harm when it comes to cost. Executive Director Ingram stated that if the Board chose to move forward with the changes that additional workshops would be scheduled and that the Board would have to decide on how to transition to the new requirements. He stated that one possible option may be to give 2-3 years to comply by allowing license holders to replace through attrition any current uniforms, patches, etc., not meeting the new requirements, to new. No other members of the public provided oral/written comment or testimony on the referenced regulation.

Executive Director Ingram discussed the proposed changes listed in Agenda Item 21, NAC 648.265. Executive Director Ingram asked for public comment on the proposed changes of the regulation. Spring Cargill expressed concern unrelated to the modification of the regulation. In particular, she inquired about what would happen if a company did not want the Qualifying Agent to be involved in the day-to-day operations of the company. She was advised by to consult with Executive Director Ingram after the meeting. No other member of the public provided oral/written testimony on the referenced regulation.

Executive Director Ingram concluded the discussion of the Agenda Items and asked if there were public comments. Mark Zane expressed concern regarding NAC 648.120. Specifically, the statement that the Executive Director is appointed by the Board Chair. Mr. Zane suggested this regulation be amended to remove the statement that the Chair appoints an Executive Director. Mr. Zane stated he believe the Executive Director should be appointed by the Board, not just the Board Chair. Mr. Zane suggest there be clarification on NAC 648.510 to include a definition for the position of a branch manager since there is none in either NRS 648 or NAC 648. Lastly, Mr. Zane voiced concern with NAC 648.570 regarding the ability to solicit bids without a license. Mr. Zane suggest that if the Board was allowing people to bid on an RFP without being licensed that the regulation be amended or repealed so an individual would not be in violation. Executive Director Ingram replied regarding NAC 648.570 that the Board is not changing their stance on the ability to bid without a license an that the Office of the Attorney General was actually moving forward with a Senate Bill that the Board supported to exempt interstate and intrastate prisoner transport from licensing requirements.

Executive Director Ingram thanked the public for their attendance and comments. The meeting was concluded at approximately 11:30 AM.

STATE OF NEVADA

PRIVATE INVESTIGATORS LICENSING BOARD

In re:

Private Investigators Licensing Board Public Workshop.

PUBLIC MEETING

Taken on Wednesday, April 17, 2024

At 9:04 a.m.

At 555 East Washington Avenue

Las Vegas, Nevada

Job No. 56212, Firm No. 116F

Reported by: Tracy A. Manning, CCR 785

APPEARANCES:

Board Counsel: Chricy E. Harris, Esq.
Executive Director: Vincent Saladino
Investigator: Zachary Swarthout
Investigator: Adriana Cuevas Manzo
Investigator: Enrique Diaz (Via Zoom)
Investigator: Jessie Dumas (Via Zoom)

I N D E X

PAGE

Meeting called to order 4

WEDNESDAY, APRIL 17, 2024

EXECUTIVE DIRECTOR SALADINO: Good morning. We're going to go ahead and call this workshop at 9:04.

At this time, we can take -- members of the general public may comment on matters appearing on the agenda and may bring matters not appearing on the agenda to the attention of the Board staff. Public comments may be limited to five minutes per person at the discretion of the Board staff, but will not be restricted according to viewpoint.

We will also take public comment at the end of the meeting.

Also, if you have any public comment in regards to the regulation changes, if you want to wait until we get to the regulation and then we can have public comment then, we can do that.

So at this time, if anybody has any public comment. Public comment in the north?

INVESTIGATOR DIAZ: None in the north.

EXECUTIVE DIRECTOR SALADINO: All right. So, in regards to NAC 648.140, proposed language will add to the duties of the Executive Director to serve as the custodian of records for the agency in

an effort to improve the records request process.

So, for NAC 648.140, No. 6, we'll -- it will say, "Shall serve as the custodian of records for the Board."

NAC 648.235. Corporations licensing without Qualifying Agent. We's going to go ahead and remove that NRS -- or that NAC.

Any questions for NAC 648.140? For NAC 648.235?

All right. For NAC 648.260. "Proposed language will clarify the requirement for a background investigation if a license holder has had their individual license placed in abeyance."

So, if we look down on NAC 648.260, No. 2, we're changing the wording there to, "...the same category and placed it in abeyance to become a Qualifying Agent for a corporation..."

Any questions in regards to that NAC?

NAC 648.265. "Proposed language will clarify the requirement of a license holder to place their license in abeyance instead of surrendering it to become a Qualifying Agent for a company."

So, again, on that NAC 648.265, No. 2 and No. 3. Instead of it saying surrender, it will say place. And that license in abeyance before the

Board will approve the person's application.

No. 3, towards the end of that paragraph there, instead of saying held, it's being placed in abeyance. Any questions?

NAC 648.310 (sic). "Proposed language will establish who will conduct the examinations for licensure, and allow for additional examinations throughout the year."

So that NAC is going to change quite a bit. No. 1, examinations will be prepared and administered by the Board, and administered in January, April, July, and October of each year. And at any other time prescribed by the Board. Then there's the -- changed there a little bit on that one.

Any questions in regards to the examinations?

NAC 648.320. Compliance with prerequisites for licensure. We're going to go ahead and remove that NAC.

NA 648.325. That one is also "Insurance required for all services provided under license." We're going to go ahead and take that one out.

MR. ZANE: Can I come up?

EXECUTIVE DIRECTOR SALADINO: Yes.

MR. ZANE: Mark Zane, Z-a-n-e. I'm here either for the Nevada Professional Investigators Association, Nevada Repossessors Association, or for Zane Investigations. License No. 830, as it may apply.

So, the -- taking out NAC 648.325, would that indicate that there would no longer be an insurance requirement?

EXECUTIVE DIRECTOR SALADINO: No, that's not what that's supposed to mean. There still -- the NRS states that -- the insurance. I believe last year you had mentioned having it more specific in the NRS on the types of insurance that should be required.

MR. ZANE: Correct. But unless we go to the legislature, the statute would remain the same, which would just simply be general liability insurance, as I understand it.

And if we don't have a regulation that would further clarify it, what the Board is requiring in the -- in terms of licensed activities versus, I tripped and fell walking into your building, versus your dog bit me. You know, I mean, to cover the training or custodial supervision of the animal or your repossession person wrongfully

repoed my car. If you don't have wrongful repossession coverage, you're on your own, as far as not being able to get insurance.

And it makes it much easier to convince insurance underwriters that you are required by statute to have a certain level of coverage in particular areas.

I understand that it would be difficult to cover every single thing that might arise. But to have at least some language in regulation form until such time as a statute might be changed, to say that the insurance needs to cover the activity that you hold yourself out for for hire. Because otherwise, the public isn't protected.

EXECUTIVE DIRECTOR SALADINO: In regards to that NAC 325, so it should -- we can probably maybe tailor it, insurance required for all services provided under license, and then quotes the NRS. A licensee must be properly insured pursuant to NRS 648.135 for all services provided under his or her license. And then we should have some subcategories?

MR. ZANE: That would be -- that would be better than what we have. But just some general language. Because we're going to miss a lot of

different things if we categorize it. So if we could just make it as general as possible, yet enforceable, to the point where it would -- you know, a paragraph that says, you know, if your license in this discipline, your insurance coverage for liability should reflect coverage to protect the public. Something of that nature.

So that for the most part, it's easier for us to go to the insurance company and say, I'm required by statute to have this type of insurance. So what are the quotes based upon -- I mean, I could probably -- most of the contracts will specify the level of insurance that I'm required to have to contract with an entity or a corporate structure.

But, if it's just a member of the public calling you up and saying, I'd like to hire you to do X. All you have is a retainer agreement. That wouldn't be 122 pages worth of, you won't do this, you will do this, you won't do this.

So it's more in line with protecting the public rather than contractual obligations. Because if you don't comply with the contractual obligations, you're not going to get the contract to do the work.

So, I think we don't have to get so

detailed, but I think it would behoove us to be able to have a little bit in the regs that leads someone to understand that we're supposed to have a particular level of insurance. If we don't have it, that's our problem to deal with with the court. You know, pay a bucket for the lawsuit, whatever the case might be.

But I think there needs to be something in the regulation since the statute already requires the minimum -- I mean, I don't even know anybody's writing $200,000 policies any more. But, since the statute requires it, until we can get that statute changed, I think it would be best for the industry in 648 to have a regulation to fall back on and say, the Board requires that we make sure that we're, you know, covered, other than just general liability.

EXECUTIVE DIRECTOR SALADINO: Okay.

MR. ZANE: Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.330. Proposed language will clarify the expectation of a license holder to place his or her license in abeyance to be become Qualifying Agent for a corporate license holder and refrain from engaging in licensed activities independent of his or her status as a Qualifying Agent.

So, we look down at 648.330, we get down to No. 2. Instead of it saying "may", it's going to turn to "shall". And then have his or her license placed in abeyance and refrain from engaging in licensed activities independent of his or her status as a Qualifying Agent.

Move down to No. 4. If a licensee who is not in a situation described in Subsection (1) or (2) wishes to have his or her license held in abeyance, he or she may voluntarily place it in abeyance for a period specific -- specified by the requester.

And over into No. 6, a license which is in abeyance pursuant to this chapter must be renewed in accordance with the provisions for such licenses set forth in Chapter 648 of the NRS.

Any questions in regards to that NAC?

MR. ZANE: Yes, please.

As it stands today, in theory and in some practice, it has been that you could hold the license in abeyance for the three-year period. Take it out, insure it, and pay the full amount for the year. And then put that license back into abeyance for a three-year period.

Is there anything in this that changes

that?

EXECUTIVE DIRECTOR SALADINO: Not currently.

MR. ZANE: Okay, that's all I had. Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.338. Proposed language will give authority to the Executive Director or designee to grant an exemption for a work card to an unlicensed person eligible to contribute to any Public Employees Retirement System preventing them from having to wait to attend a Board meeting.

So, in regards to NAC 648.338, employment of unlicensed persons: Restrictions; exemptions.

So we're going to add some verbiage to No. 2. Upon receipt of a written request for exemption, the Board may grant an exemption from the prohibitions set forth in paragraph A or B of Subsection (1). Or the Executive Director of the Board, or his or her designee, may grant an exemption from the provisions -- prohibition set forth in paragraph C of Subsection (1), if the Board or Executive Director or his or her designee, as applicable, finds that the private activities of the licensed person on behalf of the licensee would not

tend -- not create or tend to create a conflict of interest.

So, in regards to that NAC, we have quite a few folks here in town that work for different city, county, state agencies that pay into PERS. You know, they have the state retirement system. But their duties in those professions, they don't have access to proprietary databases, they're not law enforcement. They're driving the street sweepers, they're substitute teachers, regular full-time teachers. Folks that don't have access like the law enforcement agency would, or somebody maybe at the DMV. Trying to think of all the different caveats we end up getting.

The way it sits right now, if they pay into retirement systems they're not eligible for the work card. So, according to the way the governor put out his Executive Order No. 3, you know, the streamline processes, this would give us the ability to allow for those folks to get secondary employment, as long as their home agency is agreeable to it and the duties that they're going to do don't conflict.

So, any questions in regards to that NAC?

MR. ZANE: Yes.

Mark Zane. I think it's important to insert a requirement that the Executive Director publish at the following Board meeting the name and the identity of the waivers that were issued -- or granted by the Executive Director.

And maybe there doesn't need to be language that if that public disclosure doesn't take place, then that waiver is disallowed. Because the reason for the regulation historically, was people were playing games and had a relative who worked for a state agency who could come in, and the licensee could get some benefit over and above their competitor because they had this relationship.

So, you're not going to stop everything. If you've got a personal friend that works at records in Metro, you're gold. As long as they're not afraid of getting in trouble. But, to take it outside the public presentation before a quarterly meeting, and where all of the public gets to see what's transpiring. If the Executive Director, who is just mandated to make sure that the public is put on good notice that these were issued by me, end of story, and that would allow anybody that had a question or a comment or a concern to raise them in a public setting.

EXECUTIVE DIRECTOR SALADINO: Would you think that the way that would get to the Board would be in, like, the stats that we do quarterly or would it be, like, an agenda item?

MR. ZANE: I believe it -- well, in order for you to get up and debate it, it would probably need to be an agenda item. Otherwise, you're going to wait six months to address that. If it's not there somehow or another.

I mean, maybe you could put in the quarterly report section that, you know, you'll take comment on the matter so that it can be addressed in a decisionmaking platform.

So that -- you know, if you just notice it up, I could visualize me coming to complain, and counsel saying, sit down, it's not on the agenda. So it would be six months before we would address that individual waiver.

So if we could just notice it in such a fashion that comment is more than just the standard public comment. I would assume here there's going to be an issue with regard to the confidentiality of the application, too. So we have to think about it in terms of, you know, I don't want to get up here and complain about Joe Smith and find out I'm

talking about the wrong Joe Smith. Because there's not enough public information available for me to establish that I'm here talking about Jr. instead of Sr. Or somebody else just simply with the same last name.

EXECUTIVE DIRECTOR SALADINO: For the years I've been with the Board, this exemption usually would come about during the jewelry shows, you know, for that, and it was usually active law enforcement. And I think the intent behind this was not so much for those folks. It was for, like, the folks who work for -- the teachers for Clark County that have a retirement, city and county workers that might work at, like, the shooting complex or one of the Desert Breeze Rec Centers. They don't really have access to anything, they don't -- there's no real -- what would it really benefit a licensee, you know, hiring this individual? I think that's the intent behind it.

But I think we can -- we could go back to the drawing board with this one and add something to that, to where there is either an agenda item that says these were issued. If there's any public comment or concerns, we can do that. Put something down like that.

MR. ZANE: But the except as otherwise provided in Subsection (2), you know, it lists the different people that can't have it in Subsection (1). And then it gives the Board the ability, and now it would be the Executive Director, the ability to take into consideration the theory you could allow a peace officer who filed. That said, I don't have any access I don't have any access to CJIS, I don't have any access to SCOPE.

My agency says, I think we had a couple in the past that were prison employees. Who technically were -- are peace officers. But, their job description was so far removed that the Board took the time to say, I don't see how there could be a conflict of interest based upon what the Department of Corrections is indicating your job description is.

Now, if you change your job description, you've got to come back in, renotify the Board, all those different things. But for all intents and purposes, my recollection was, is a couple of those people by statute were peace officers. While employed with the Department of Corrections.

So, I think and I understand that we need the ability and the flexibility for this to be done

so it doesn't have to be an agendized item and go before the Board and have to go through all the rigmarole just to put everybody on notice that there's going to be a waiver. I'm not not in favor of this. I just want to make sure that the public has notice that you, or whoever the executive director is ten years from now, didn't just decide, never mind, you needed a waiver, you got it. I'd like to be able to come in -- I'd like to be able to come in and say, I think something smells bad here, so can we check the refrigerator.

EXECUTIVE DIRECTOR SALADINO: All right.

MR. ZANE: Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.3385. The proposed language will require only a person applying for a registered work card to submit one set of fingerprints instead of two. Proposed language will also require the license holder to maintain a copy of the registered work card of their employees on their records.

So 648.3385, No. 3(b), obtain a complete set of fingerprints. No. 5, each licensee shall maintain a copy of the work card issued by the Board for each person employed by the licensee. The licensee shall retain a copy for not less than five

years after the date on which the person is employed by the licensee. The copy may be in the form of a photograph or may be digitally stored. The copy must be capable of being reproduced and available at the request of the Board.

Any questions in regards to that NAC?

NAC 648.341. Proposed language will streamline the requirement for a licensee to ensure the unlicensed person has passed the examination prior to employing them.

So 648.341, Examination: Administration; verification of passing score. Before a licensee employs an unlicensed person, the licensee must ensure that the person -- ensure that the unlicensed person has passed the examination subscribed in NAC 648.342 with a score of a 100 percent.

MR. ZANE: May I? Mark Zane.

This has always raised an issue. I understand why it's there, so that you can prove later on if there's some liability or some litigation, that the person took a test and passed it. That they were aware of the contents of the test and what the correct answer was.

However, a lot of these -- a lot of these jobs are so entry level, that the educational

background of some of the applicants doesn't lend itself for an easy 100 percent passing score. That, coupled with the fact that we don't even require a licensee to pass a test to actually get a license with that level of score passing.

I've often been of the thought that there should be some sort of, if you took away the test requirement and just simply took the -- took an acknowledgement that the applicant has read, thoroughly understand, and will abide by the content of the disclosures. And then it would be up to the employer to ensure internally with training and oversight, that that employee acts within the margins of being correct in their job performance.

Because all this does is require -- I don't think it alleviates any liability on behalf of the state, to show that vicariously the guy passed the test four years, nine months ago with a 100 percent score, that he knew that he shouldn't have done that. I think we get the same thing from just the disclosure, that we want you to pay particular attention to these things, and check the box here, and maybe put some onus on the employer to say I went through and made sure that I was comfortable, that the employee had that level of

knowledge. That even though I know nothing about him and I'm going to stick him in a post as soon as I can get a card, that we're not just winking and nodding and handing out the test scores.

And, you know, I mean, it's -- it just doesn't seem like it does what you're trying to do without a wink and a nod. I think it would be better either to lower the passing grade and have the employer certify that they went over the deficiencies.

Or, take away the testing requirement and just simply require an acknowledgement of those things that the Board feels are important to certify or justify that that person knew better than to do that once they get a post.

EXECUTIVE DIRECTOR SALADINO: Okay.

MR. ALVAREZ: Good morning. Jonathan Alvarez, 2687.

Actually, I disagree with that. I think that we need to reevaluate our training standards within the state and the entry level of security guards that are in the state of Nevada.

I know that we did have a workshop a couple years back regarding training standards, and I believe that we should have a separate one to

review and enhance training standards like most other states are doing, and not just do an open book online test. Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.342. Proposed language will clarify who is responsible for ensuring each registered employee has passed examination.

So NAC 648.342. Examination: Scope.

The examination must be, 1, provided by the Board. 2, administered by the Board or its designee. And 3, designated -- or designed to ensure that each registered employee has a familiarity with, and a thorough understand of core topics and must include, without limitations. We just changed the numbers to letters, A, B, C, D, and E.

Any questions in regards to that NAC?

MR. ZANE: Yes. Mark Zane.

I don't disagree with Mr. Alvarez. I'm only speaking to the test that is given with -- prior to the work card being issued. I'm not talking about the need for more training. More training is never a bad idea. I'm just talking about the test that's required in order to qualify for a work card. Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.343. Proposed language will eliminate outdated requirements and establish audit procedures for the Board, as well as a fine and disciplinary action for failure to furnish requested information in a timely manner.

So NAC 648.343 will read, the Board may audit records of the licensee to ensure compliance with this chapter and Chapter 648 of NRS.

No. 2. The records described in Subsection (1) may include, without limitation, copies of industrial insurance, filings regarding workers' compensation, business records or filings conducted in the normal course of business, the state business license of the licensee, any advertisement or written communication as described in NAC 648.525, records concerning payroll, unemployment reports, the work card for each employee of the licensee, and color photographs that accurately depict the uniform, badge, patch, logo, or marked vehicle of a licensee as described in NAC 648.530.

No. 3. The audit may be conducted by the Board at the location of the licensee or at the office of the Board.

No. 4. A licensee shall make any records requested by the Board available within 30 calendar days of the request.

No. 5. Failure of a licensee to furnish the information necessary to conduct an audit constitutes grounds for, (a) fine up to $5,000; (b), disciplinary action before the Board.

Any questions or comments?

NAC 648.3435. Proposed language will add the requirement of the Board to include completed firearm training in the system of records.

So, NAC 648.3435. Internet website for system of records regarding certain persons; confidentiality of information contained in system of records.

So, for letter (a), contains information regarding each person, who, No. 1, is registered with the Board, including, without limitation, the contact information of the licensee who employs the person.

(2). Has applied for a -- for registration with the Board, including, without limitation, the contact information of the person.

And No. (3). Has completed a course of training in carrying, handling, and using a firearm

safely. Including, without limitation, information concerning the certificate of completion for the course, and a description of any other qualifications that the person has concerning firearms.

No. (4). Any additional training required by the Board.

(b). Identifies each person whose registration is expired, is denied by the Board, or is otherwise suspended or revoked.

And (c). Identifies training required by the Board.

Any questions regarding that NAC?

NAC 648.344. Proposed language as an improvement will require a licensee to notify the Board of a new employee being added to their roster. This language will reduce the number of days into compliance with the NRS, and will establish how long an employee may stay on a company roster.

So NAC 648.344. Change of employment notice. If a person who is registered, (a), becomes employed with another or additional licensee. Or (b), is terminated by the licensee, the new employer who is the other -- who is the other or additional licensee, shall file a change of employment notice

or the licensee who formerly employed the terminated person shall file a termination of employment notice, as applicable, to the Board -- with the Board by entering the information required by the Board into the system of records contained on the internet website established pursuant to NAC 648.3435, no later than three business days after the employee becomes employed with the new employer, or the employee is terminated, as applicable.

No. 2. A person who becomes employed by another or additional licensee is deemed provisionally registered as an employee upon the filing of the change of employment notice in accordance with Subsection (1).

The provisional registration is valid for 90 days after the provisional registration is issued by the Board, unless the Board denies, suspends, or revokes the provisional registration.

No. 3. The filing of the change of employment notice does not affect the date of which the registration of the employee expires.

No. 4. If a person who is registered has not worked for a licensee within the last 12 months, the licensee must terminate the employment of the person.

MR. ALVAREZ: Jonathan Alvarez, 2687.

I agree with the verbiage, but the time frame on the dates should say until five days. And incorporates, also, if our compliance managers or the people who are responsible for placing that, if they're out of town or if there's a family emergency, not everybody is aware to place and to take over those types of job duties and descriptions.

I understand where this is going and the need to explain that, but if there are extenuating circumstances that are not -- are completely unvalidated when it comes to that if they're not here.

And also, there's no form of disciplinary action. It doesn't explain if it's a fine, if it's just a reprimand, it's just a letter. So we just want to make it clear on that aspect and give organizations that turn over individuals the proper time in case there's an emergency.

EXECUTIVE DIRECTOR SALADINO: Thank you.

NAC 648.345. Proposed language will clarify the firearm prerequisites for license holders and registered work card holders working armed.

648.345. Prerequisites; certification of firearms instructors; renewal.

No. 1. A licensee or employee who is registered pursuant to NRS 648.1439 (sic) may not carry any firearm while performing the duties or the type of business for which he or she is licensed or employed, unless the licensee or employee: (a), is certified by the Board as a firearms instructor pursuant to Subsection (3), or has successfully completed and received certification from a course of training approved by the Board in carrying, handling, and using firearms safely.

And (b), is at least 21 years of age.

2. A person who is provisionally registered is prohibited from: (a), attending and being certified in the course of training approved by the Board in carrying, handling, and using firearms safely.

And (b), carrying a firearm while performing the duties for the type of business for which he or she is employed.

No. 3. The Board may certify a person as a firearms instructor in carrying, handling, and using firearms safely if the applicant: (a), meets the requirements of Subsection (1) of NRS 648.110.

And if we move down to subcategory No. 2 of that, qualifying with a score -- qualifying with the course of fire established by the Board pursuant to NAC 648.346 with a minimum score of 90 percent for each type of firearm for which the applicant wishes to provide instruction.

So basically, just removing the 275 out of 300 on the B27 targets. Then we would just have a 90 percent instead of pigeonholing ourselves with the B27 targets.

On the next page, proof -- letter (b), Submit proof satisfactory to the Board for the completion of at least eight hours of continuing education or training on the subjects prescribed in 648.346.

And that's just to reiterate to the CFIs that at some point before they renew, they have to have been a student for eight hours for continuing education.

Any questions in regards to that NAC?

MR. ZANE: Yeah. Mark Zane.

The only question is, under section 3, it seems, you would know better than I, but it seems that conviction of a domestic violence should fit in here someplace. Just hit me. Might be just

talking...

EXECUTIVE DIRECTOR SALADINO: Typically, when folks have those types of prohibit -- prohibitions, their work card comes out with a not eligible. So when they go to the certified firearms instructor and they note that card, they see that it's -- it says not eligible on it.

If they pull them up on the database it will say not -- you know, they've got a box where it says it's checked. So we have provisions already set up for that, for prohibited folks. Just like the individuals that come through that might have had felony convictions and that the Board allows to receive the work card. Those cards come out the same way as well. It's noted in our database.

MR. ZANE: Okay, thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.346. Proposed language will remove the actual course of fire from the NAC and establish the requirement of following approved course of fire established and maintained by the Board. As an improvement, proposed language will also increase the number of hours of instruction on the range from five hours to eight hours.

So, in regards to NAC 648.346, we're

looking to add to some of the fundamentals of operating a handgun, rifle, and shotgun. The general differences among handguns, rifles, and shotguns.

No. 5, proper techniques for gripping a handgun, rifle and shotgun and shooting positions.

No. 6, qualifying with a passing score of at least 75 percent in an improved course of fire established and maintained by the Board.

So, removing the course of fire that penned in there for a while.

We go down to No. 2, letter A. Eight hours of training and instruction on the carrying, handling, and using of a -- using a firearm safely, including the completion of a written exam, examination designated by the Board with a passing score of at least 75 percent.

Letter B. A minimum of eight hours of instruction and training on the firing range during which each person must qualify using a firearm of the same type and caliber as the firearm the person will use on duty.

No. 4. If a person fails to complete the written examination with a passing score of at least 75 percent as prescribed in paragraph A of

subsection 2, or to qualify with a passing score of at least 75 percent in an approved course as prescribed in paragraph 6, or subparagraph 6 of paragraph 7 -- paragraph 6 of paragraph f, Subsection (1). And that concludes that one.

Any questions in that one?

MR. ALVAREZ: Just going to be Mark and I.

I agree with the verbiage and bringing in the additional types of firearms. I believe that each type of firearm should have its own eight-hour course. All firearm platforms are very different in instruction, and some individuals who are armed that are out there already have -- struggling with a pistol. So we don't want to condense all firearms into an eight-hour course and send them out there unsafe and untrained.

So I also believe that it should be raised to 80 percent passing instead of 75, but separate courses for training is very important for them to carry the type of firearms and those type of weapons out there.

EXECUTIVE DIRECTOR SALADINO: NAC 648.350. Proposed language will clarify and streamline the requirement of certified firearms instructors to

record the completion of the firearms score in the participant's record in the agency's system of records, cutting down the amount of time it takes to authorize arms status.

So, for NAC 648.350, No. 1. To certify a person's successful completion of course of training in carrying, handling, and using firearms safely in his or her successful completion -- qualification with a firearm, a firearms instructor shall, within two days of the person's successful completion of the course of training, record the person's name and registration number, the time, date, and location of the course of training, and the certifications and qualifications that the person obtained in the unlicensed person's record on the internet website established pursuant to NAC 648.3435.

No. 2, after the information described in Subsection (1) has been recorded on the internet website, the Board shall -- the Board will:

(a) issue to a person who has successfully completed a course of training a plastic certification card.

Any questions in regards to 648.350?

NAC 648.431. Proposed language will eliminate a fine for a violation of NAC 648.343.

NAC 648.344 (sic). Proposed language will streamline the requirement for payment of fines for violations by permitting credit or debit card payments.

For NAC 648.433, No. 2, we've added, a fine imposed in a Notice of Violation may be paid by credit card or debit card, cashier's check or money order.

Any questions in regards to that?

648.439. Proposed language will streamline the requirement for payment of fines for citations by permitting credit or debit card.

So No. 2, a fine assessed pursuant to subsection (4) of NRS 648.165 may be paid by credit card -- by credit or debit card, cashier's check, or money order.

Any questions in regards to those additions?

I'm going to skip over NAC 648.530 for one second. I'm just going to close off with NAC 648.265 for Qualifying Agent. I know the uniform, we're going to have a lot of questions. I just want to go through this 265 first and then we'll go back to the uniform one.

NAC 648.265. Proposed language will just

clarify the role of a Qualifying Agent.

So NAC 648.265. Limitations on Qualifying Agents for corporations. Qualifying Agent means a person who: 1, has been approved by the Board to represent and work for a corporate licensee.

And 2, is responsible for, (a) managing the corporate license in this state, including, without limitation, management of (1), daily operations of the corporate licensee; and 2, conduct and professionalism of the staff of the corporate licensee.

(b), executing and completing all necessary documents to maintain the good standing of the corporate licensee in the state.

(c) carrying out all provisions of this chapter and Chapter 648 of NRS.

(d) complying with all lawful and responsible orders of the Board.

And (e), acting as an advisor for the management of the corporate licensee.

Any questions in regards to license -- or Qualifying Agent?

MR. ZANE: Yes. Mark Zane.

It would be my understanding that nowhere in the emendation would it require actual residency;

is that correct?

EXECUTIVE DIRECTOR SALADINO: Is that the requirement for being present in the state?

INVESTIGATOR SWARTHOUT: NRS 648.140. Not that they need to be here while they have employees working who can manage and supervise.

MR. ZANE: My question is specifically residency. What's on the driver's license?

I would -- back quite a few years ago we had a federal case filed against the Board with regard to this subject matter that was procedurally dismissed, but it wasn't -- it wasn't dismissed on the merits. So, I forget the title of it, but it's one of the few that the Board was named. I was named, so I'm familiar with it. It was a licensee out of California. He was represented by a nonprofit that was challenging residency requirements with regard to regulatory authority.

I understand that the way -- the regulation, you want somebody that's going to be responsible for the activities that's going on here in the state of Nevada. But there's -- I'm licensed in four states, none of which require me to be a resident.

EXECUTIVE DIRECTOR SALADINO: The way the

NRS reads, NRS 648.140, says No. 2(a): Shall ensure that each registered employee employed in this state by the licensee is supervised by the licensee or his or her Qualifying Agent, who is physically present in the state -- in this state.

MR. ZANE: Correct. All I'm getting to is residency.

EXECUTIVE DIRECTOR SALADINO: NRS doesn't specify that.

MR. ZANE: If my home's in Texas and I'm here taking care of business, you know, that should be legal. And as I understand the case law coming down all over the countryside, residency is not a particular issue with regard to physical presence or a requirement that you be in charge and be adequately available and all of that kind of stuff.

But, you know, until there's a national reciprocity, which would in and of itself annihilate most of this, and take away the requirement that you wouldn't be able to live in every state that you are a Qualifying Agent or manager for.

So, I was just trying to make sure that it was not going to be an issue with regard to where you live. As Justice Rose said in the Nevada Supreme Court, it's where your cat lives.

Thank you.

EXECUTIVE DIRECTOR SALADINO: NAC 648.530. Proposed language will clarify the use of uniforms, badges, patches, or logos and marked vehicles by the license holder.

So NAC 648.530. Uniforms, badges, patches, logos, and marked vehicles.

No. 1. If an applicant or licensee intends to use a uniform, badge, patch, logo, or marked vehicle in connection with the licensed activities, the applicant or licensee must submit with the application or before use of the uniform, badge, patch, logo, or marked vehicle, a photo -- a color photograph which accurately depicts the features of the uniform, badge, patch, logo, or marked vehicle.

No. 2. The licensee must not use a uniform, badge, patch, logo, or marked vehicle in connection with the licensee's business which is the same as or deceptively similar to a uniform, badge, patch, logo, or marked vehicle used by any other licensee; a branch of the military or law enforcement agency in this state.

No. 3. A uniformed badge, patch, logo, or marked vehicle is deceptively similar as described

in subsection (2) if:

(a) The badge, patch, or logo uses the state seal.

(b) The badge, patch, or logo is shaped as a star.

(c) The patch or logo is shaped as a shield.

(d) The uniform bears a similar resemblance of that of local law enforcement; or the uniform, badge, patch, logo, or marked vehicle uses any name, seal, or acronym that may be interpreted as implying that the licensee is affiliated with any governmental agency or entity.

No. 4. A marked vehicle used by a private patrol officer must be clearly identified as a security vehicle with the letters PILB followed by the license number of the private patrol officer.

No. 5. The lettering described in Subsection (4) must:

(a) Be permanently affixed to the driver's side, passenger side, and rear of the vehicle.

(b) Be of significant size and clarity.

(c) Measure at least two inches in height and at least one inch wide.

And (d) Be legible from the center of the nearest street or road.

With that, I'm going to take public comment.

MR. KISNER: Good afternoon Mr. Director and Board.

THE REPORTER: Can you speak up and state your name, please?

MR. KISNER: Joel Kisner, K-i-s-n-e-r. License No. 2916 with Pinnacle Consulting.

Regarding this, I know I've had discussions with your predecessor as well as you regarding some of the vagueness and current language. Definitely don't like the additional language in this verbiage that is written, because it is increasingly more vague.

But given the nature of the scope of what you're trying to design with this regulatory language, I think it's pertinent that you carve this out and look at NRS 233B.0608. There needs to be a business impact assessment on how these regulatory changes will affect particularly small businesses within the state, and the economic impact that's going to have on those businesses.

MR. ALVAREZ: Jonathan Alvarez, 2687.

Obviously, I've been very vocal on how I'm not in favor with the proposed changes on how it's written. So we are -- we're here to have a conversation and continue this conversation on how to move this industry in a positive direction.

I think the proposed changes and some of the things that were discussed would move back the industry and make it less safe for our communities, as well as the team members that are out there doing the job.

So I did invite many of the partners of ours, our team members, to speak on that from the front line. We are the licensees. We're mostly in the office, but we get to understand the scope of things that are happening out in the community. And we want to make every effort to work with the PILB to move the industry forward and make it safer for everyone, whether they're working security, law enforcement, or the security themselves.

I also did want to note, I believe this was brought on by the Metropolitan Police Department, the SIS, and note that they're not here. So this is -- if this is such an issue, where are they? Where are they to work with us? That to me speaks volumes on why this has been brought up.

You have been a proponent, Executive Director of the security industry, and we're hopeful for that and to make these positive changes.

Thank you.

MR. CLOT: Don Clot, Arcadia Security, 2644.

In regards to the star-shaped badge, I think that's pretty clear. In regards to the shield. I think there needs to be more clarification as to what that means.

Generally, a badge is considered a shield. So if you're looking at it on the technical aspect, LAPD's style of badge is classified as a shield when conducting an order. However, the term shield is vague, because all badges are considered a shield. So, the design aspect of what the proposal for the language of shield means, I think, needs to be more clarified. Thank you.

MR. BOWMAN: For the record, Derek Bowman. I'm here representing private enterprise, but I'm also in law enforcement as well.

This -- the language here is problematic in several scenarios. On the private enterprise side, what we've seen in the past years, my -- the company that I work for, we provide surveillance

solutions across the United States for companies. And we've seen a huge increase in recent years that any time a security officer is in very plain clothes, T-shirts, something that does not look official, people just walk right over that person. It puts them in danger. It puts them at risk.

And coming as a law enforcement officer, from a police officer's standpoint, I get that we don't want people to have the appearance of being law enforcement, to maybe go contrary to the law and be impersonating an officer.

But at the same time, if those security officers can be equipped with the the tools that they need to protect themselves, if they can be equipped with the uniforms that they need to give them an air of authority that they're there to do a job for that private retailer or that private business, I think that's really, really critical.

And one of the other challenges that I see with these changes, is this potentially -- I know from the county that I come from, as the sheriff changes, uniforms change. And this potentially puts these business holders at risk. That they have a uniform, they potentially had it for a long time. And then if Las Vegas Metro or some law enforcement

entity in that county or that area here in Nevada decides to change their uniform and it happens to match what the security provider's already doing, now they're going to have to shoulder the financial burden and all of that of going back and trying to switch those uniforms.

And I think from a government enterprise partnership standpoint, that puts a lot of onerous risk and financial responsibility back on these business owners that are trying to make a difference.

Security is more necessary today, because most of our law enforcement agencies are overloaded. They can't deal with issues that are quality of life issues. If somebody's not truly in mortal risk of their life, Metro typically doesn't have the bandwidth to respond.

And it's that way -- it's not just that way here in Nevada, it's that way in a lot of metropolitan areas that we see across the United States.

Our security units trigger alerts. And if law enforcement is needed, most large enterprise -- most large metropolitan areas, law enforcement's not coming. Unless somebody got shot and is bleeding on

the ground, they're just not coming. So having security personnel that are equipped to be able to come and deal with those issues.

It's very hard for retail businesses and enterprise businesses to be able to have the tools that they need to make their customers safe.

Thank you.

EXECUTIVE DIRECTOR SALADINO: Thank you.

MR. CLOT: Don Clot. I'd like to echo the sentiment in regards to the financial aspect. I think that there is more than just rebranding, as far as changing uniforms. But you also have to look at the aspect of marketing. Because there's a financial marketing aspect as well. Materials that are put forth to clients, websites, things of that nature, that would have to also be considered for a financial impact on a business who has invested not only money towards the actual, physical uniform itself, but the marketing and branding of the company that they put forth to the public.

As far as how the Board could look at the financial impact, I would suggest looking at the size of the corporation.

If a company has been approved to use a specific uniform or design or aspect of what they've

been marketing for several years, that should have some sort of grandfather aspect. Maybe with a tweak of removing the metal badge and going to more of a PVC or patch-style badge to alleviate some of the mimicking of law enforcement.

It could also look at if a company has been in business for an extended period of time and maybe only has a dozen or so employees. What that financial aspect would look at as opposed to a company that's been in business for five or six years and has over 100 employees.

MR. KISNER: Joel Kisner again.

I just wanted to kind of point out that the economic component is the real focus we need to have here, and assess what these regulatory changes are going to do to the businesses that have to essentially retool some of their uniforms and vehicles and equipment.

With that being said, generally speaking, the conversation I've had within the industry and within Kevin and yourself, that there needs to be more definitive language, more clear-cut descriptions of what's -- essentially words that aren't approved potentially, potentially measurements of patches and things like that, to get

it down to it's more of an objective versus a subjective review.

And I know one thing that isn't identified within this administrative code is your reality in Washoe and Clark County, that there's county ordinances where the local law enforcement, like Metro, can slow down the process or make changes towards potentially one of your approvals and have problems with that.

And there needs to be something to address those mechanisms so they're a little more streamlined and can function -- business can function a lot more quickly with approval from one versus trying to find two approvals. Or in some cases, get approval from the PILB, and then have LVMPD have problems with that approval and cause some delays. That's one of the problems that needs to be addressed as well.

MR. VALERO: Hello. Denny Valero. Denny like the restaurant, Valero like...

Say a couple things about -- just if I can really quick. I had a quote, and it said that safety and security don't just happen. They are the result of collective consensus of public investment. We owe our children, the most valuable citizens in

our society, a free life of violence and fear -- free of violence and fear.

Just couple of things that we want to say -- I want to say concerning -- and I agree with my colleagues concerning the economic impact it makes to everyone.

Another thing that we -- that -- in the -- what I'm seeing in the whole spectrum of this particular code is concerning presence. In the force, continually we deal with officers and teach officers. Most people are afraid of the image that it gives. Because it sounds a little bit more to the side of an officer who is maybe on the negative side or may impose something or try to imitate something.

Then you look at the other side of the officer that isn't employed by these companies, that they're not law enforcement, but they also uphold a standard in the community. Different apartment complexes, different buildings, to casinos, to just the regular PILB officer. Presence in the force continues. The very first thing we have. How we stand, how we speak, how we address people, whether we look them in the eyes, our clothing really distinguishes us.

Not on the negative aspect, but I can tell you as a security officer, as a Field Training Officer, I've worked in casinos and noncasino security, trained many officers. Is the ability when you have an articulate officer that understands how to speak, how to note take, how to write. The very basics that we have.

We're taking a vital aspect from the impact that the presence has concerning if there is a violent act, or if Metro doesn't arrive on time. Even if they don't show up. Those officers are putting their life on the line, so to say, just the same. And that very presence of the officer from the badge, shield, however we want to term it, to how they look in appearance, is not only a negative connotation, it's a very positive connotation.

And that has come out to many people. I cannot tell you -- I can tell you hundreds and hundreds of stories where people have thanked us because of the way we look and the presence that we stand and we can communicate to people.

So, I think a well-trained officer, be it law enforcement or nonlaw enforcement who understands the NRS codes and understands appearance and the proper ability to speak and to communicate

and to be able to service their client well. Because one dresses public, the other dresses private. That officer is still the same. And so we take away -- besides that second level, which most of us that are trained, is that of our voice communication. So when that first level is taken away, and you have someone that is stripped of some of those very strong things just by the look of it, the second level becomes really nonchalant. Don't even pay attention to it.

So my thing for us is -- here is that that very idea of presence and the ability that it gives a great officer that PILB is known to have throughout the years gives them a great opportunity to be able to service properly, to actually represent PILB as well, because we are representatives of you. So that is very impacting. Not only on the social impact, the community, the finances, everything that plays in that.

So I just wanted to say we can consider that when we talk about this. Safety and security does become a consensus of all of us working together.

So just -- thank you.

MR. CLOT: Don Clot.

I think that the purpose, if I'm reading this correctly, is to alleviate some of the appearance confusion amongst law enforcement security at first glance. People aren't taking a second look. I think a simple solution is just making every security company have the word security, regardless of their name, on their uniform that's clearly visible from any direction they're being viewed: Back, front, side. And not in a subdued manner that cannot be easily ascertained from a distance. Having a clear maybe word security that is in contrast to the uniform. So if it's a black shirt, maybe white. Something that is -- can be seen from a distance and clearly identifies that person regardless of badge, regardless of the uniform color makeup, that it clearly identifies them as security from all four angles.

MR. ALVAREZ: Jonathan Alvarez, 2667.

I'll piggyback on that. I do agree that security should be visible from all sides as well as -- so we are definitely open in that discussion.

A couple other points. They brought up casinos. So I understand that casinos are regulated by gaming. Most of them do, also, have seven point stars and they're not held to the same standard. At

times they may outnumber companies ten to one. So we need to truly take a look at where are these issues coming from. Validate these issues, unsubstantiated and substantiated issues of impersonation of officers and identify where significantly the small issues are coming from. Because casinos' officers, you look like Metro at times. There are several casinos. And I highly doubt that the state is going to go head to head with them and make them spend millions of dollars as well. So organizations like ours and smaller ones shouldn't be placed at a higher level than the billion dollar casinos that are running the economic aspect.

And my proposal is, for shields, maybe doing something as far as, like, the firearms, doing an additional training course that will credential them to wear a metallic shield on their belt that separates them. Like a fourth level credentialing as you would do on firearms. Just go ahead, and it shows again a level of training, a level of professionalism that the company and the officer themselves went out and trained accordingly.

Thank you.

MR. ZANE: Mark Zane.

I think that all we need to do to resolve this from where it started with this revision is to look next door. I know people hate to hear that. You just look next door, check with the BSIS in the state of California. They have 39 million people over there. LA county's got 9 million just by itself. That's three times the population of the entire state of Nevada. They're handling it all right without any major issues.

It's left more to a local issue, if there is one. You got to go butt heads with the business department, the county or the city. Is there some interpretation of what you're wearing or what you're -- what equipment or what your car looks like has an imposition of law enforcement.

I mean, there's already statutory authorities that if you're impersonating an officer there's a criminal violation that occurs. So we really don't need to get to that level.

I think from this regulation standpoint, we only need to look at how it impacts the public's knowledge of who you are. Not Metro's preference about who you are.

Half the time, the only reason Metro is going to run into the security agency is because

they stayed around long enough for them to show up. That's not a black mark against Metro, but it is the security company that's hired to be there to protect that property is going to be there long before Metro is going to show up.

I think it's just -- the public has to have knowledge of who you are and what you represent.

And I want to make sure that, you know, it doesn't get to the point where we're not talking about plain clothes. Because if I've got a security guard working in an establishment in plain clothes fashion, he's not going to have security exterior anywhere. So hopefully we're not even considering that as a possibility. That would take away a substantial amount of the ability to walk around and do things covertly. As more of an impact, especially in poor neighborhoods and areas where security, historically, has been.

Now you got HOAs looking to maybe hire tactical response fire departments to build in their own neighborhood because law enforcement isn't able to make a response.

I think all we need to do is look next door and try to pattern the regulation as best we

can. Throw this back on the local jurisdiction that has an issue with it and we can fight that in that jurisdiction at that time with those facts and those circumstances.

Thank you.

MS. MARTINEZ: Good morning. My name is Ariel Martinez and I'm the hiring manager over at Protective Force International. Oftentimes during our interviews, I will ask applicants how they may have heard about the company. One of the No. 1 resources we have out there is word of mouth and officer presence. Our look that has been previously approved by the PILB is very easily recognizable by those in the community, local law enforcement, and is highly valued by our employees and also those who may be interested in working and dedicating their time to the community.

This possible change would not only impact the businesses that have this security personnel, but also the employees themselves. Not all equipment is provided by the company. And if you not only regulate the locals -- I'm sorry, the logos, patches, badges, and the uniform, it also affects the colors that the company has. So there's certain pieces of equipment that the employees may

have to get on their own that they may not be able to financially be able to provide for themselves. So not only will that impact the company financially, but it could also impact our employees that are able to fulfill -- facilitate these different contracts and sites that we have, which can also be a safety concern for the community and the employees themselves.

Thank you.

THE WITNESS: Morning. Albert Bass, B-a-s-s, Code Force Security.

Volunteering for law enforcement agency, sheriff's agency for 15 years. Working in emergency management, fire, has given me the ability to interact with sheriffs across the state. I've had many conversations with different sheriffs from different counties across the state. Also Lombardo himself. And the No. 1 thing that all of them say that they would like to see, or that their preference is for security officers is just to be clearly identified with the word security on their uniform, on their vest, on their vehicles.

Other than that, I've never encountered one that's had any other issue with the way they look, the way they dress. Everything the last

several people have spoke, hundred percent agree with everything they said. But in talking with many sheriffs across the state, having those relationships, that's the only thing.

Because when we're doing -- might say plain clothes security, of course they're not wearing anything that identifies security. We like our officers to have a little security badge on them for their private uniforms, plain clothes uniforms. But other than that, that's the only issue that I've ever had from any of them ever bringing forward.

And even when we were putting our uniform request in, you know, there were some issues and went directly to the captain. I was a captain myself, went directly to Lombardo and had these conversations. And I think if it's presented appropriately to them, they would have the same response. That they just want the word security clearly identified.

That's it, thank you.

EXECUTIVE DIRECTOR SALADINO: Anybody else?

MS. BRYANT: Hi. My name is Star Bryant, and I work with Protective Force International. I am the COP with the company, and I'm a sergeant with

the company.

The one thing I notice when we get new properties and when we'll take the signs to them, these people are so ecstatic to see what we look like. A lot of times, like, a lot of them say we're the first responders there. They're grateful to have us there.

We make a difference by how we look. A lot of times they say, word of mouth, some managers go to a different place and they called us to come and be their security because they had us at a different apartment complex. They love the way we look, our professionalism.

We had one lady go for a walk after lunch she ran into some of our officers downtown. And when I went to take the sign, she said, I just had to have you guys. Your guy's professionalism, how you look, how people treat you, is why I wanted you here. And we get a lot of that from a lot of the properties that we go to. They love the way we look, and we hope to not to have to change that.

Thank you.

MR. VALERO: Once again, Denny Valero, 2687.

I do want to add just one more thing

concerning the uniforms and the presence that we have.

Our badges, our -- everything that we carry right now at this point, I'm agreeing with everybody, in our company we have that word security wrapped around the officer, wrapped around the automobile, everything that we do has it wrapped around. Because it is a de-escalation tool. And having de-escalation is very important to anything, any environment that we're going to.

I think back in -- if I have the date correct, I could be wrong because I was not here, but I believe it was somewhere around June 15th there was a meeting last time on this. And there was an officer that spoke in -- a Metro officer, Allie Brant (ph), that stated that wearing a badge can be confusing to other law enforcement. That's -- you know, kind of -- it's a funny thing when you have a law enforcement officer saying that about security, that you can't tell the difference.

It's -- kind of makes the question -- brings up the question, what are you looking at that you can't tell the difference? Because you can definitely tell -- and we talked about individuals outside of agencies, but what about inside agencies?

So if a law enforcement officer, and the ones I worked with throughout Las Vegas, and definitely know we're security, they definitely know we have a good presence, and they definitely know the difference. So for someone to say that as a lieutenant concerning that in security, we talk about the training and the different types of training.

And I'm not here to bash anybody. But when you look at that, when we talk about -- we're raising -- trying to raise our own standards. Even a couple of hours makes a big difference. And when even law enforcement says -- and they state they cannot tell the difference, that's not a good thing. Not on security part, but law enforcement should understand their own role concerning that.

If you have security wrapped around your whole entire body, from our (indiscernible) to all the other companies that do do that. And we all do that. For law enforcement to show up on the scene and say, is that law enforcement? To not know that with big security signs, that's something that we also should maybe be looking the other way, too. Because everything that we have and that we wear, most of these companies that I do know, they all

have security very clearly there.

But I think that tool of de-escalation, we're taking away. And that's something that actually helps Metro concerning -- or any kind of law enforcement.

The officers I've worked with from the community oriented programs to chaplaincy. I'm a minister. Kind of things that we've dealt with along the way. And I've spoken at many of these different areas with the different area commands. Our presence is a very welcome tool.

I can't speak so much for that lieutenant, but I can speak for officers that I've encountered, and people that I know that have worked alongside of us on a lot of the details that we've dealt with. They've been very supportive. Very, very supportive of the things we do.

So I want to make mention, when we look at this, we have to look at the de-escalation factor and the seriousness of a criminal looking at that, or a bad guy, quote, unquote, we want to say when they see us and when they see security, what is the impression? Does it give that person that ability to stop in their tracks and go, okay, I better not go further than this. Because if I do, then I'm

coming into the different levels of escalation, de-escalation, different things that I need to see. And should I even mess with that? Probably not. Because I'm sure behind that security officer, there's going to be a police officer somewhere around the scene.

So that good training, we really do need as -- I encourage PILB, because once again, like I said it before and we talked about it concerning the financial impact, all of this is going to affect PILB. No matter what, it's going to affect them. Whether it's the officers that come through or don't come through this. And it's very important that we understand that. Our presence is one of the strongest, strongest tools without ever having to escalate or de-escalate, passion is in your voice. Good presence, the ability that we speak should be -- not all the time, but it's mostly -- I could say probably 70 percent, 80 percent of the time, people stop in their tracks right there and say, okay, sorry. Made a mistake. Or turn around or whatever it is that the officer has to enforce. We take away that de-escalation, bring support -- off the officer, it becomes a problem.

So my big thing was a statement that was

made the last time concerning this issue a year ago as I remember hearing about it. That law enforcement would have trouble identifying them. Well, like I said, security, says it very plain. We're all -- we can all read and we're all taught to take notes and look. Very simple things. That should not be an issue. Kind of taking it a little bit off the course.

MS. KISNER: Joel Kisner.

Probably the last thing I'm going to say. I think the focus, really, for this regulation is to give a clear, identifiable uniform to private security so they can be identified as being representatives of the property or the people that they are charged with protecting. And trying to hit 100 percent coverage so that everybody, whether law enforcement or public, understands that they're security or understands what law enforcement uniforms look like, you're never going to get 100 percent. So the focus really needs to be on having definitive language, straightforward regulatory guidance, so that businesses who are currently operating and new ones that are coming into operation, clearly understand what they need to place on their uniforms, on their vehicles, and

quickly be able to get out and start doing some of the work that's necessary in the private sector. And it's in partnership with law enforcement. And that should be the focus, versus trying to hit that 100 percent mark. And make it more standardized versus kind of a wide brush we have right now with the approval process. And then doing something to accommodate the Clark County ordinance and the Washoe ordinance process to streamline that a little bit better I think would be a big help in making this be more smooth.

MS. ARNOLD: Hi. My name is Samantha Arnold. I work with Protective Force, 2687. I used to be a regional property manager for apartment communities. And I'm going to talk a little bit on that side. Because I've had the security officers wear the yellow with a big security in black on the back. They got ate alive. Ate alive. They were targeted by some of the groups that lived there, trying to get off-site.

So, I actually spoke with law enforcement agencies that were on-site that referred me to other companies that are in this room because of the badge, because of the professionalism, because of the way they looked. Changing my properties to have

these companies, they would disperse the minute they saw them. There's no issues, no pushback.

As a regional, I've had my life threatened. As soon as one of these people that have these come up, they stopped. They walked away, dispersed, left. So it's made a huge impact on those communities.

So changing that and going back down, I fear for these officers and I feel for the people that are working on-site that are being threatened. Because it's changed that industry quite a bit. So just keep that in mind, too. Because some of these people are hiring these companies because of that look. And because they're being referred to by local law enforcement agencies. I'm not going to say who, but we can talk off line. They do refer. And they do list out a couple saying, hey, go this route, don't go this route. Because of what they've seen on some of the communities I've worked on. Here, Reno, Arizona. It's kind of across the board.

So, thank you, very much, for your time and consideration.

MR. BARRIOS: George Barrios, Apex Executive Protection Services 2385. I didn't think I was going to come up here and speak. But I've

been listening and -- with the stuff, with what everybody has to say. And I just thought of something. I don't know if my other owners here came to it.

But what about the national companies, like Allied Universal? Bronson? They have a presence here in the state, and their uniforms would cost them. Now they would have to change their uniforms and everything, and that affects their market in 49 of the other states. How would that work out?

EXECUTIVE DIRECTOR SALADINO: We'd have to check on that.

MR. BARRIOS: Like I said, I didn't think I was going to come up, but I was listening and listening and listening, and I was, like, wait a minute. You know, you have national companies also in the market here. That's going to affect them, also, on the bottom line.

That's it. Thank you.

EXECUTIVE DIRECTOR SALADINO: Do we have any other public comment?

MR. ZANE: Speaking the agenda item, right?

EXECUTIVE DIRECTOR SALADINO: Yeah.

General public comment.

MR. ZANE: General? Did that close that provision?

Yeah, I have general public comment.

Mark Zane. I waited for this portion because the information I have here is just informational. I don't know that a lot of people are aware of it. Some of this issue with having to deal more closely, especially with the Metropolitan Police Department, comes from years ago when we had to -- when the PILB had to adjust its budgetary considerations.

And one of those things was that -- associated with having peace officers employed in the PILB because of the participation and PERS at the higher level under police and fire coverage.

And at the time, one of the ways to balance the budget and make things work was the investigators were reclassified so they were no longer peace officers. Part of that was because you would have somebody come to work, you'd send them to basic POST, and as soon as they got their POST certificate, they were available to work in any agency that they felt like going to.

So you weren't able to keep good,

qualified people in the position because they would just go someplace that might have a better work allowance. So you were forced to make a closer working relationship with the law enforcement agencies in the state in order to get any criminal violation addressed regarding NRS 648.

So that means the PILB had to go to Metro in order to get a criminal investigation concluded or to participate in criminal activity because we had -- no longer had a peace officer employed as a PILB.

So, it's one of those things, where, you know, Metro -- a lot of people don't know it, but, you know, they participate with PILB and testing for dogs, you know. It's not just the one way street.

I'm not in love with response time and the ego of the Las Vegas Metropolitan Police Department. And sometimes the Reno Police Department, sometimes -- I don't have much to say about Sparks. But Washoe County can jump in there any time.

But we could probably solve some of this stuff -- I still think it's very important to maintain these relationships with these different entities because that's how we accomplish things without having to have a full slate of officers.

But I think if we can find a way to fund at least a peace officer position within the investigatory staff at the PILB so that we have the ability to at least bring forward the criminal cases without having to rely upon local law enforcement in the jurisdiction where it occurred, it would give us that autonomy to be able to -- to work a little bit more independently and maybe disagree a little bit more often instead of acquiescing to the pressure that the law enforcement officers or agency is bringing toward us.

So if we can -- if we can think in those terms and as licensees here, the money's got to come from us. That's pretty much where it comes from. But if we can get to a point where we can fund at least one, if not a couple of law enforcement positions, and fund it adequately so that people want to work here, they want to stay here, and maybe retire here.

I mean, I remember back, it was a pretty good gig when it was retired FBI agents who were the investigative staff because they had a lot of latitude and they could just -- they lateralled in because they already had academy. But you didn't want to interfere with the golf, either, though,

because they were retired.

If we can think longer term and make sure that we understand the funding mechanism and some of the limitations that happen -- and it was a big decision to pull that law enforcement credential out of the classification program. It was difficult to do. But it was going to mean maybe saving two or three classified positions versus that law enforcement position, and being able to maintain somebody to be there instead of just going to some other agency.

So, you know, the bigger picture that's kind of how we are driven here and how we have to kind of acquiesce a little bit to these larger law enforcement agencies because we also need them. So we need this big loop.

Thank you.

MR. SIMON: Jonathan Simon, PILB 2018.

So, going back to -- I missed this public comment on NAC 648.643 (sic).

One of the concerns that I have for this that may leave the Board open for huge lawsuits, and also protecting the companies is in Section 2(c). For instance, when we talk about business records or files conducted in the normal course of business, I

don't see anywhere in here where it kind of describes what those business records would be. The filings. Are we talking about contracts which would disclose, you know, confidential information for a company? And if that came up to where the company would have to come in front of the Board and make it publicly available, we should be concerned about how much of these records or filings that we would have to produce in front of people. That's a concern.

Also in here, I notice before that it said the examination on file 60 months in Section 1, but how long does the company have to keep this information? It's nowhere listed in here where we have to keep it for a certain amount of days or years for any of this.

So I would just want to make sure that we understand what that would look like for a company.

EXECUTIVE DIRECTOR SALADINO: Any public comment in the north?

INVESTIGATOR DIAZ: No, sir.

EXECUTIVE DIRECTOR SALADINO: So, go ahead and adjourn this workshop.

Thank you, everybody, for coming.

(Proceedings concluded at 10:42 a.m.)

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Tracy A. Manning, a duly commissioned Certified Court Reporter, Clark County, State of Nevada, do hereby certify:

That I reported the taking of the proceedings, at the time and place aforesaid;

That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript of said proceeding is a complete, true and accurate record of statements provided by the parties at said time to the best of my ability.

I further certify that I am not a relative, employee, or independent contractor of counsel of any of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned.

IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 23rd day of April 2024.

Tracy A Manning

Tracy A. Manning, CCR 785

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Appendix H

Small Business Impact Statement

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

1 Background: The Private Investigators Licensing Board (PILB) is updating the Nevada Administrative Codes for 648. This was in response to the Governor's Executive Order 2023-003 to streamline processes.

2 Description of Solicitation: The PILB sent out a survey to all licensees regarding the updates and changes to NAC 648.

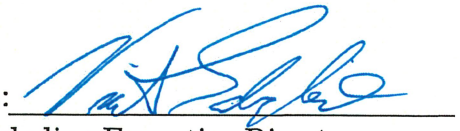
3 Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1)): The PILB received information from licensees regarding changes to NAC 648.530 Uniforms, badges and patches. This one change would have created an economic burden on small businesses. Based on the responses in the survey, this NAC change was removed in order to have more workshops specific to uniforms, badges and patches.

The proposed regulations do not impose a direct and significant economic burden on small businesses. These changes will allow for a streamline process and improve the boards able to operate.

4 How was that conclusion reached?: Based on the responses from survey the only NAC change that would have caused any economic impact was dealing the uniforms and was removed in order to have more workshops to better correct the NAC and to not cause an economic impact.

I, [Vincent Saladino] [Executive Director], 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: April 16, 2026

Signature: 

Vincent Saladino Executive Director
Private Investigators Licensing Board

R145-24

ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R145-24

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

AUTHORITY: § 1, NRS 519A.160.

A REGULATION relating to reclamation; requiring certain mining operators to pay additional surety relating to reclamation on an annual basis; revising provisions relating to the Trust Fund for Short-Term Fluid Management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to engage in an exploration project or mining operation in this State to agree to assume responsibility for the reclamation of any land damaged as a result of the exploration project or mining operation and file with the Division of Environmental Protection of the State Department of Conservation and Natural Resources a bond or other surety. (NRS 519A.190, 519A.210) Existing law requires the State Environmental Commission to adopt regulations providing for the holding of such reclamation performance bonds or other surety. (NRS 519A.160) Existing regulations: (1) set forth the form and amount of the surety an operator of an exploration project or mining operation must provide based upon certain criteria relating to the plan of reclamation; and (2) require an operator of a mining operation that is required to hold a permit with the Department of Wildlife to develop or maintain certain bodies of water to pay additional surety to the Division by October 1, 2000, and April 15, 2001, in certain amounts based on the total amount of the surety the operator was required to provide. (NAC 519A.350, 519A.360, 519A.392) This regulation removes the existing requirements for the additional surety as the deadlines have passed and instead requires an operator of a mining operation whose plan for reclamation and surety includes short-term fluid management, upon commencement of construction of the mining operation, to submit to the Division on an annual basis an additional surety in an amount equal to 0.45 percent of the total amount of the surety included for short-term fluid management that the operator was previously required to provide.

This regulation further requires the Division to: (1) terminate the payment of the additional surety if the amount of the Trust Fund for Short-Term Fluid Management exceeds $10,000,000; and (2) post notice of the termination on the Internet website of the Division.

Existing law authorizes the Division to receive federal, state and other money and use that money to carry out certain provisions of existing law relating to reclamation. (NRS 519A.150) Existing regulations require the Division to establish the Trust Fund for Short-Term Fluid Management, in which the Division deposits the additional surety required for certain operators of a mining operation. (NAC 519A.392) This regulation authorizes the Division to request that the State Treasurer: (1) deposit the federal, state and other money into the Trust Fund; and (2) make authorized investments of not more than 50 percent of the money in the Trust Fund.

Section 1. NAC 519A.392 is hereby amended to read as follows:

1. In addition to the surety required pursuant to NAC 519A.350 ~~[,]~~ ***and except as otherwise provided in subsection 4,*** on or before ~~[October 1, 2000,]~~ ***April 15, 2027, and on an annual basis thereafter,*** an operator of a mining operation ~~[that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390 shall submit to the Division:~~

~~(a) Thirty-six thousand dollars if the total amount of]~~ ***whose plan for reclamation and*** surety ~~[the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or equal to $35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~2. In addition to the surety required pursuant to NAC 519A.350 and the payment required pursuant to subsection 1, on or before April 15, 2001, an operator of a mining operation that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390]~~ ***includes short-term fluid management*** shall ***, upon commencing construction of the mining operation,*** submit to the Division ~~[:~~

~~(a) Thirty-six thousand dollars if the total]~~ ***an*** amount ~~[of surety the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or]~~ equal to ~~[$35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if]~~ ***0.45 percent of*** the total amount of ***the*** surety ***intended for short-term fluid management that*** the operator is required to provide pursuant to NAC 519A.360 ***.*** ~~[is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~3. In addition to the surety required pursuant to NAC 519A.350 and the payments required pursuant to subsections 1 and 2, on or before April 15, 2002, an operator of a mining operation that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390 shall submit to the Division:~~

~~(a) Thirty-six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or equal to $35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~4.~~ ***2.*** The Division shall:

(a) Establish the Trust Fund for Short-Term Fluid Management;

(b) Deposit money collected pursuant to this section in the Trust Fund;

(c) Credit all interest ***and income*** earned on the money in the Trust Fund to the Trust Fund;

(d) Use the money in the Trust Fund ~~[only for the management of]~~ ***to stabilize process*** fluids ***or prevent, control or treat a discharge of process fluids*** at a ***mine*** site ~~[while the]~~ ***until:***

(1) The process for forfeiture of a surety pursuant to NAC 519A.390 is ~~[pending;]~~ ***complete and the proceeds of the surety will be used to pay for process fluid management, stabilization, control or treatment; or***

(2) The Division issues or reinstates the permit required pursuant to NRS 519A.200 to the operator or its successor to conduct activities at the mining operation; and

(e) ~~[After the conclusion of the process for forfeiture of a surety pursuant to NAC 519A.390, if the surety was forfeited,]~~ ***On or before December 31 of each year, prepare and post on the Internet website of the Division an annual report which must include, without limitation, the current balance of the Trust Fund.***

3. The Division may request that the State Treasurer:

(a) Deposit money collected pursuant to subsection 4 of NRS 519A.150 in the Trust Fund for Short-Term Fluid Management; and

(b) Make authorized investments with not more than 50 percent of money deposited in the Trust Fund pursuant to this section.

4. If the amount of money in the Trust Fund for Short-Term Fluid Management is more than $10,000,000, the Division shall terminate the additional surety required pursuant to subsection 1. If the Division terminates the surety pursuant to this subsection, the Division:

(a) Shall post notice of the termination on the Internet website of the Division; and

(b) Shall not require an operator to submit the additional surety required pursuant to subsection 1 until such time as the Commission reinstates the additional surety by regulation pursuant to chapter 233B of NRS.

5. An operator must reimburse the Trust Fund ~~[with the surety that was forfeited.]~~ ***for Short-Term Fluid Management before a permit may be reinstated or transferred.*** Such reimbursement must be in an amount equal to the total amount of money used from the Trust Fund at the site ~~[for which]~~ ***and may be paid with*** the surety ***that*** was forfeited.

~~[5.]~~ ***6.*** An operator that operates more than one mining operation in this State may combine the amount of surety ***for short-term fluid management*** required pursuant to NAC 519A.360 for each site to determine the total amount of surety the operator is required to provide pursuant to NAC 519A.360 for purposes of determining the amount of money to submit pursuant to this section.

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: R145-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The Fund for Short-Term Fluid Management was established to manage the fluids at defaulting mine sites while the process for forfeiture of the surety, pursuant to NAC 519A.390, is pending. The release of funds following the initiation of forfeiture process can take 6 months or longer, depending, for instance, on which entity holds the bond or if bankruptcy has been filed. Meanwhile, the management of fluids could require immediate action to avoid spills of processing fluids into the ground surface and potentially degrading waters of the state. The original Fund was established in 2000, with the collection for three years, and it was never updated for inflation or increased costs for short-term fluid management. The Division has determined that the Fund is inadequate to support short-term fluid management at today's costs.

The proposed changes allow the Division to establish funds that are enough to implement short-term fluid management and initiate stabilization of the fluids in the event of multiple mines defaulting. The Division's target is $15,000,000 in approximately 10 years. NAC 519A.392 also requires that the Funds are reimbursed using the surety that was forfeited, or directly by the operator.

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, R145-24P, in the Nevada Register on September 9, 2024.

The NDEP held one public workshop for R145-24P on April 9, 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. Seven 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 comment:

1) Kyle Davis, representing the Nevada Mining Association, thanked the Division for working with the industry and having conversations about how this regulation would work, the impact of it, and the various ways in which it could and could not be used to make sure that a program was put together that will effectively take care of any situation that may occur in the future while minimizing the hardship on existing operators.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to an extensive distribution list maintained by NDEP Bureau of Mining Regulation and Reclamation. In addition, on March 24th, 2026, 2 News Nevada posted an article about the proposed regulation change with links to the posting.

The SEC held a hybrid regulatory hearing on April 30, 2026, to consider possible action on R145-24P. The SEC posted its public notice, which included a link[1] and instructions to access R145-24P 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 April 30, 2026, hearing: 45 (approximately)
(b) Testified on this petition at the hearing: 3

1. Danilo Dragoni, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9373
   ddragoni@ndep.nv.gov

2. Ashley Taylor, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9397
   ashley.taylor@ndep.nv.gov

3. Kyle Davis, representing the Nevada Mining Association

[1] https://sec.nv.gov/meetings/sec-meeting-april-30-2026

(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.

Comments were solicited from affected businesses through one public workshop and during the April 30, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the April 30, 2026, SEC meeting: Mr. Kyle Davis, representing the Nevada Mining Association, spoke briefly in support of the proposed regulations.

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 R145-24P with NDEP-proposed changes because the SEC was satisfied with the proposed regulation and the proposed edits to the LCB draft.

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 will directly impact small businesses. The proposed regulation will impact mining projects that have fluid management stabilization included in their reclamation permits and sureties (for example, for the presence at the site of heap leach pads or tailings). This includes small businesses. The proposed regulation is requesting that these projects contribute to the Fund an annual amount equivalent to 0.45 percent of their current surety estimate for the stabilization of the fluids, for those mine projects that have fluid management stabilization in their sureties. The payments will be collected until a new targeted maximum Fund balance of $10,000,000 is reached, which the Division estimates this will take approximately 12 to 15 years.

The proposed regulation will impact all those mining projects that have fluid management stabilization in their reclamation permits and sureties (for example, for the presence at the site of heap leach pads or tailings. The proposed regulation is requesting that these projects will contribute to the Fund an annual amount equivalent to 0.45 percent of their current surety estimate for the stabilization of the fluids (for those mine projects that have fluid management stabilization in their surety). The payments will be collected for a period of between 12 and 15 years, until a new targeted maximum Fund balance of $10,000,000 is reached.

The proposed regulation represents an additional payment to the mining industry. As such, it will increase the overall costs associated with the industry; but it will also guarantee that Nevada has a ready and appropriate Fund in case of sudden and unexpected closure of mining activities and the need to quickly manage fluids at the

sites. The expectation is that these additional costs will protect public health and prevent environmental harm, and the costs associated with environmental remediation of a release, which can be much larger than the costs for short term fluid management.

The immediate effects are associated with the new payments proposed with this regulation, which will take effect upon approval. However, the payment schedule was developed to minimize the impact by allowing for approximately 12 to 15 years of collection, which reduces the annual contribution.

Long-term effects, as explained in the section above, will be to have a Fund with appropriate funding to support fluid management at mine sites in case of default

Public:

No direct economic effect is expected on the public, either adverse or beneficial, in the short or long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

No costs are estimated for the enforcement of the proposed 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.

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 total annual amount expected to be collected is approximately $378,000 to $678,000 (depending on inflation and increase in fluid management costs across the 12-15 years). The payments will be exclusively deposited into the Trust Fund for Short-Term Fluid Management and used according to NAC 519A.392.

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)*

Yes, the proposed regulations will directly impact small businesses. The proposed regulation will impact mining projects that have a fluid management stabilization included in their reclamation permits and sureties (for example, for the presence at the site of heap leach pads or tailings). This includes small businesses. The proposed regulation is requesting that these projects contribute to the Fund an annual amount equivalent to 0.45 percent of their current surety estimate for the stabilization of the fluids, for those mine projects that have fluid management stabilization in their sureties. The payments will be collected until a new targeted maximum Fund balance of $10,000,000 is reached, which the Division estimates it will take approximately 12 to 15 years.

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. Small businesses may continue to apply for and operate under an NDEP mining reclamation permit.

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 Division will complete outreach activities with the mining industry. Meetings with stakeholders were conducted, as well as sending emails notifying companies. Letters were mailed to all regulated facilities affected by the regulatory change. Each email and letter included a description of the regulation and proposed changes. An official workshop was held in Carson City with remote access on April 9th, 2026. Notices of the workshop and an invitation for comments was posted on the NDEP website, the Nevada Public Notice website, and physically posted at NDEP's Reno and Las Vegas offices, as well as, at Library and Archives. The workshop notice was also emailed to an extensive distribution list maintained by NDEP Bureau of Mining Regulation and Reclamation, as well as to Libraries throughout the State for posting. On March 24th, 2026, 2 News Nevada posted an article about the proposed regulation change with links to the posting. A summary of the workshop will be posted on the SEC website.

2. **The manner in which the analysis was conducted (if an impact was determined).**

The payments will apply to most mining projects, with the exclusion of those, like exploration projects, that do not have process fluid management. Given the wide range of operation size and workforce across the mining industry, the Division determined that mining operation that have fewer than 150 full-time employees will be impacted by the payments proposed by this regulation.

3. **The estimated economic effect of the proposed regulation on small businesses:**

a. Both adverse and beneficial effects:

Each mining operation that meets the criteria proposed in this regulation will be required to pay a payment equivalent to 0.45 percent of the estimated process fluid management surety until the Fund reaches a balance of $10,000,000, approximately for 12-15 years. While not a direct beneficial effect on small businesses, the proposed regulation will guarantee that the Fund will be financially sustainable and that sudden and unexpected defaults of mine projects will not result in environmental harm or degradation of water in Nevada, with potential large societal costs associated with environmental remediation. Indirect beneficial effects include ensuring a sustainable mining industry in the State of Nevada through avoidance of environmental harm.

b. Both direct and indirect effects:

Any economic impacts will be directly associated with the proposed payments.

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.)*

A. Simplification of the proposed regulation:

The proposed regulation is simple and concise.

B. Establishment of different standards of compliance for a small business:

The proposed regulation does not establish standards of compliance.

C. Modification of fees or fines so that a small business in authorized to pay a lower fee or fine:

The proposed regulation assesses payments based on a percentage of the surety held for the process fluid management. The Division estimates that most likely small businesses will have smaller fluid management sureties and therefore pay lower payments. The $10,000,000 target balance for the Fund was spread out over approximately 12-15 years to minimize impact.

There will be no change in the cost to the agency for enforcement of the proposed regulation.

5. **The estimated cost to the agency for enforcement of the proposed regulation.** *(Include a discussion of the methods used to estimate those costs.)*

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 total annual amount expected to be collected annually is approximately $378,000 to $678,000 (depending on inflation and increase in fluid management costs across the 12-15 years). The amount expected to be collected in 12-15 years is between 6,786,000 and $7,323,000. The payments will be exclusively deposited into the Trust Fund for Short-Term Fluid Management and used according to NAC 519A.392

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 regulation amendments do not duplicate nor are more stringent than existing federal, state or local regulatory requirements.

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

Please, see responses to previous questions.

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

05/11/2026

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

FORM 4, Small Business Impact Disclosure and Statement

Final Audit Report 2026-05-11

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R146-24

ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R146-24

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

AUTHORITY: §§ 1-26, NRS 445A.425 and 445A.520.

A REGULATION relating to water quality; revising provisions relating to standards of water quality; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing water quality standards. (NRS 445A.425) Subject to certain exceptions, existing law further requires the Commission to establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State. (NRS 445A.520) Existing regulations establish such water quality standards. (NAC 445A.11704-445A.2234)

Existing regulations require the State of Nevada to cooperate with the other Colorado River Basin states and the Federal Government to support and carry out the conclusions and recommendations adopted April 27, 1972, by the Reconvened 7th Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries. (NAC 445A.1233) **Section 26** of this regulation repeals this requirement.

Existing regulations set forth certain salinity standards, as adopted by the Colorado River Basin Salinity Control Forum in 2017, at the three lower main stem stations of the Colorado River. (NAC 445A.1233) **Section 26** repeals these standards. **Section 1** of this regulation provides instead that the Commission adopts by reference the 2023 version of the salinity standards adopted by the Colorado River Basin Salinity Control Forum as the salinity standards for the portions of the Colorado River system in this State. **Section 10** of this regulation makes the provisions of **section 1** part of the standards for water quality for select bodies of water within the Colorado Region to clarify that the salinity standards only apply to specific portions of the Colorado Region. **Sections 11-25** of this regulation make: (1) conforming changes to eliminate references to the repealed salinity standards; and (2) various changes to the standards of water quality for specific portions of the Colorado Region to conform to the standards adopted by **section 1**. **Section 26** makes a conforming change to repeal the interpretation of a term made

obsolete by the changes to the standards of water quality for specific portions of the Colorado Region to conform to the standards adopted by **section 1**.

Sections 20-22 and 25 also revise certain terminology relating to standards of water quality for consistency with terminology used in similar provisions relating to standards of water quality.

Existing regulations set forth the designated beneficial uses and standards of water quality for the Squaw Creek Reservoir within the Black Rock Region of the State. (NAC 445A.1282, 445A.1288) **Sections 2 and 3** of this regulation provide instead that these designated beneficial uses and standards of water quality apply to the Granite Mountain Reservoir within the Black Rock Region of this State.

Existing regulations set forth the designated beneficial uses and standards of water quality for Rock Creek at Squaw Valley Ranch and Rock Creek below Squaw Valley Ranch within the Humboldt Region of the State. (NAC 445A.1432, 445A.1518, 445A.1522) **Sections 4-6** of this regulation provide instead that these designated beneficial uses and standards of water quality apply to Rock Creek at Willow Creek and Rock Creek below Willow Creek within the Humboldt Region of the State.

Existing regulations set forth the designated beneficial uses and standards of water quality for Squaw Creek within the Walker Region of the State. (NAC 445A.1882, 445A.1928) **Sections 7 and 8** of this regulation provide instead that these designated beneficial uses and standards of water quality apply to Mud Spring Creek within the Walker Region of the State.

Existing regulations establish standards of water quality for Schroeder Reservoir within the Colorado Region of the State. (NAC 445A.2182) **Section 26** repeals these standards. **Section 9** of this regulation makes conforming changes to eliminate references to Schroeder Reservoir.

Existing regulations set forth the standards of water quality for Beaver Dam Wash above Schroeder Reservoir within the Colorado Region. (NAC 445A.2178) **Section 24** of this regulation provides instead that these standards of water quality apply to Beaver Dam Wash within the State.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

The Commission hereby adopts by reference the "2023 Review, Water Quality Standards for Salinity, Colorado River System," adopted by the Colorado River Basin Salinity Control Forum as the salinity standards for the portions of the Colorado River system in this State. The publication is available, free of charge, from the Division or at the Internet address https://www.coloradoriversalinity.org.

Sec. 2. NAC 445A.1282 is hereby amended to read as follows:

445A.1282 The designated beneficial uses for select bodies of water within the Black Rock Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Smoke Creek	From the California-Nevada state line to the Smoke Creek Desert.	X	X	X	X	X			X				NAC 445A.1286
~~[Squaw Creek]~~ ***Granite Mountain*** Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1288
Negro Creek	From its origin to the first irrigation diversion, near the west line of section 28, T. 36 N., R. 23 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1292
Mahogany Creek	From its origin to the exterior border of the Summit Lake Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1296
Leonard Creek	From its origin to the first point of diversion, near the south line of section 12, T. 42 N., R. 28 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1298
Bilk Creek, upper	From its origin to its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1302
Bilk Creek at Bilk Creek Reservoir	From its intersection with the south line of section 35, T. 45 N., R. 32 E., M.D.B. & M., to Bilk Creek Reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1304
Bilk Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1306
Bottle Creek	From its origin to the first point of diversion, near the east line of section 23, T. 40 N., R. 32 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1308
Quinn River, East and South Forks	From their origin to the confluence of the East and South Forks, except for the length of the river within the exterior borders of the Fort McDermitt Indian Reservation.	X	X	X	X	X	X		X					NAC 445A.1312

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Quinn River (the slough)	From the Oregon-Nevada state line in section 31, T. 48 N., R. 38 E., M.D.B. & M., to the confluence with the main tributary of the Quinn River at the south line of section 17, T. 47 N., R. 38 E., M.D.B. & M., except for the length of the river within the exterior borders of the Fort McDermitt Indian Reservation.	X	X	X		X		X	X					NAC 445A.1316

Irrigation	Irrigation
Livestock	Watering of livestock
Contact	Recreation involving contact with the water
Noncontact	Recreation not involving contact with the water
Industrial	Industrial supply
Municipal	Municipal or domestic supply, or both
Wildlife	Propagation of wildlife
Aquatic	Propagation of aquatic life
Aesthetic	Extraordinary ecological, aesthetic or recreational value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 3. NAC 445A.1288 is hereby amended to read as follows:

445A.1288 The limits of this table apply to the entire body of water known as ~~[Squaw Creek]~~ ***Granite Mountain*** Reservoir. ~~[Squaw Creek]~~ ***Granite Mountain*** Reservoir is located in Washoe County.

STANDARDS OF WATER QUALITY

~~[Squaw Creek]~~ ***Granite Mountain*** Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Trout.										
Temperature - °C ΔT[b] - °C		S.V. ≤ 20 $\Delta T = 0$			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 6.0			*								
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.10			*	*							
Total Ammonia (as N) - mg/L		[c]			*								
Total Dissolved Solids - mg/L		S.V. ≤ 500						*					
E. coli - cfu/100 mL[d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		[e]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.1282 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
[e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 4. NAC 445A.1432 is hereby amended to read as follows:

445A.1432 The designated beneficial uses for select bodies of water within the Humboldt Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Humboldt River near Osino	From the upstream source of the main stem to Osino.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1436

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Humboldt River at Palisade	From Osino to the Palisade Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1438
Humboldt River at Battle Mountain	From the Palisade Gage to the Battle Mountain Gage.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1442
Humboldt River at State Highway 789	From the Battle Mountain Gage to where State Highway 789 crosses the Humboldt River.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1444
Humboldt River at Imlay	From where State Highway 789 crosses the Humboldt River to Imlay.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1446
Humboldt River at Woolsey	From Imlay to Woolsey.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.1448
Humboldt River at Rodgers Dam	From Woolsey to Rodgers Dam.	X	X	X	X	X	X	X	X					NAC 445A.1452
Humboldt River at the Humboldt Sink	From Rodgers Dam to the Humboldt Sink.	X	X	X	X	X		X	X					NAC 445A.1454
The Humboldt Sink	The entire sink.	X	X	X		X		X	X					NAC 445A.1455
Humboldt River, North Fork and tributaries at the national forest boundary	From their origin in the Independence Mountain Range to the national forest boundary.	X	X	X	X	X	X	X	X					NAC 445A.1456
Humboldt River, North Fork at Beaver Creek	From the national forest boundary to its confluence with Beaver Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1458
Humboldt River, North Fork at the Humboldt River	From its confluence with Beaver Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1462
Humboldt River, South Fork at South Fork Reservoir, including tributaries above Lee	From its origin to South Fork Reservoir, including its tributaries above Lee, except for the length of the river and the lengths of its tributaries within the exterior borders of the South Fork Indian Reservation.	X	X	X	X	X	X	X	X					NAC 445A.1464
South Fork Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1465
Humboldt River, South Fork at the Humboldt River	From South Fork Reservoir to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1466
Little Humboldt River	The entire length.	X	X	X	X	X	X	X	X					NAC 445A.1468
Little Humboldt River, North Fork at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1472
Little Humboldt River, North Fork at the South Fork of the Little Humboldt River	From the national forest boundary to its confluence with the South Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1474

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Little Humboldt River, South Fork at the Elko-Humboldt county line	From its origin to the Elko-Humboldt county line.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1476
Little Humboldt River, South Fork at the North Fork of the Little Humboldt River	From the Elko-Humboldt county line to its confluence with the North Fork of the Little Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1478
Marys River, upper	From its origin to the point where the river crosses the east line of T. 42 N., R. 59 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1482
Marys River at the Humboldt River	From the east line of T. 42 N., R. 59 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1484
Tabor Creek	From its origin to the east line of T. 40 N., R. 60 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1486
Maggie Creek Tributaries	From their origin to the point where they become Maggie Creek or the point of their confluence with Maggie Creek.	X	X	X	X	X	X	X	X					NAC 445A.1488
Maggie Creek at Jack Creek	From where it is formed by the Maggie Creek tributaries to its confluence with Jack Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1492
Maggie Creek at Soap Creek	From its confluence with Jack Creek to its confluence with Soap Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1494
Maggie Creek at the Humboldt River	From its confluence with Soap Creek to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1496
Secret Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X	X	X					NAC 445A.1498
Secret Creek at the Humboldt River	From the national forest boundary to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1502
Lamoille Creek at the gaging station	From its origin to gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M.	X	X	X	X	X	X	X	X					NAC 445A.1504

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Lamoille Creek at the Humboldt River	From gaging station number 10-316500, located in the NE 1/4 of section 6, T. 32 N., R. 58 E., M.D.B. & M., to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1506
J.D. Ponds	The entire area.	X	X	X	X	X	X	X	X					NAC 445A.1508
Denay Creek at Tonkin Reservoir	From its origin to Tonkin Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1512
Tonkin Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1514
Denay Creek below Tonkin Reservoir	Below Tonkin Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.1516
Rock Creek at ~~[Squaw Valley Ranch.]~~ ***Willow Creek***	From its origin to ~~[Squaw Valley Ranch.]~~ ***its confluence with Willow Creek.***	X	X	X	X	X	X	X	X				Trout	NAC 445A.1518
Rock Creek below ~~[Squaw Valley Ranch.]~~ ***Willow Creek***	Below ~~[Squaw Valley Ranch.]~~ ***its confluence with Willow Creek.***	X	X	X	X	X	X	X	X					NAC 445A.1522
Willow Creek at Willow Creek Reservoir	From its origin to Willow Creek Reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1524
Willow Creek Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1526
North Antelope Creek	From its origin to its confluence with Antelope Creek.	X		X	X	X		X	X					NAC 445A.1527
Pole Creek	From its origin to the point of diversion of the Golconda water supply, near the north line of section 13, T. 35 N., R. 39 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1528
Water Canyon Creek	From its origin to the point of diversion of the Winnemucca municipal water supply, near the west line of section 12, T. 35 N., R. 38 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1532
Martin Creek at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1534
Martin Creek below the national forest boundary	From the national forest boundary to the first diversion in T. 42 N., R. 40 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1536
Dutch John Creek	The entire length.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1538
Huntington Creek at the White Pine-Elko county line	From its origin to the White Pine-Elko county line.	X	X	X	X	X	X	X	X					NAC 445A.1542

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Huntington Creek at Smith Creek	From the White Pine-Elko county line to its confluence with Smith Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1544
Huntington Creek at the South Fork of the Humboldt River	From its confluence with Smith Creek to its confluence with the South Fork of the Humboldt River.	X	X	X	X	X	X	X	X					NAC 445A.1546
Green Mountain Creek at Toyn Creek	From its origin to its confluence with Toyn Creek.	X	X	X	X	X	X	X	X					NAC 445A.1548
Toyn Creek at Corral Creek	From its confluence with Green Mountain Creek to its confluence with Corral Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1552
Toyn Creek at Green Mountain Creek	From its origin to its confluence with Green Mountain Creek.	X	X	X	X	X	X	X	X					NAC 445A.1554
Reese River at Indian Creek	From its origin to its confluence with Indian Creek, except for the length of the river within the exterior borders of the Yomba Indian Reservation.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1556
Reese River at State Route 722	From its confluence with Indian Creek to State Route 722 (old U.S. Highway 50), except for the length of the river within the exterior borders of the Yomba Indian Reservation.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1558
Reese River below State Route 722	North of State Route 722 (old U.S. Highway 50).	X	X	X	X	X	X	X	X					NAC 445A.1562
San Juan Creek	From its origin to the national forest boundary.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1564
Big Creek at the forest service campground	From its origin to the east boundary of the United States Forest Service's Big Creek Campground.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1566
Big Creek below the forest service campground	From the east boundary of the United States Forest Service's Big Creek Campground to the first diversion dam, near the west line of section 4, T. 17 N., R. 43 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1568
Mill Creek	From its origin to the first point of diversion, near the south line of section 22, T. 29 N., R. 44 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1572

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Lewis Creek	From its origin to the first point of diversion, near the center of section 23, T. 30 N., R. 45 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1574
Iowa Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1576
Starr Creek	From the confluence of Ackler and Herder Creeks to its confluence with the Humboldt River.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1578

Irrigation	Irrigation
Livestock	Watering of livestock
Contact	Recreation involving contact with the water
Noncontact	Recreation not involving contact with the water
Industrial	Industrial supply
Municipal	Municipal or domestic supply, or both
Wildlife	Propagation of wildlife
Aquatic	Propagation of aquatic life
Aesthetic	Extraordinary ecological, aesthetic or recreational value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 5. NAC 445A.1518 is hereby amended to read as follows:

445A.1518 The limits of this table apply to the body of water known as Rock Creek from its origin to ~~[Squaw Valley Ranch.]~~ ***its confluence with Willow Creek.*** This segment of Rock Creek is located in Elko County.

STANDARDS OF WATER QUALITY

Rock Creek at ~~[Squaw Valley Ranch]~~ ***Willow Creek***

PARAMETER	REQUIREMENTS	WATER QUALITY	Beneficial Uses[a]

	TO MAINTAIN EXISTING HIGHER QUALITY	CRITERIA TO PROTECT BENEFICIAL USES	Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Trout.										
Temperature - °C ΔT^b - °C		S.V. ≤ 20 ΔT = 0			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 6.0			*								
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.10			*	*							
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 0.06			*								
Total Ammonia (as N) - mg/L		[c]			*								
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU		S.V. ≤ 10			*								
Color - PCU		S.V. ≤ 75						*					
Total Dissolved Solids - mg/L		S.V. ≤ 500						*					
Chloride - mg/L		1-hr Avg. ≤ 860[d] 96-hr Avg. ≤ 230			*								
Sulfate - mg/L		S.V. ≤ 250						*					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL[e]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		[f]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.

[e] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[f] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 6. NAC 445A.1522 is hereby amended to read as follows:

445A.1522 The limits of this table apply to the body of water known as Rock Creek below ~~[Squaw Valley Ranch.]~~ ***its confluence with Willow Creek.*** This segment of Rock Creek is located in Elko, Eureka and Lander Counties.

STANDARDS OF WATER QUALITY

Rock Creek below ~~[Squaw Valley Ranch]~~ ***Willow Creek***

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature °C ΔT[b] - °C		S.V. ≤ 34 $\Delta T \leq 3$			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.33			*								
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 1.0						*					
Total Ammonia (as N) - mg/L		[c]			*								
Total Suspended Solids - mg/L		S.V. ≤ 80			*								
Turbidity - NTU		S.V. ≤ 50			*								
Color - PCU		S.V. ≤ 75						*					
Total Dissolved Solids - mg/L		S.V. ≤ 500						*					
Chloride - mg/L		1-hr Avg. ≤ 860[d] 96-hr Avg. ≤ 230			*								
Sulfate - mg/L		S.V. ≤ 250						*					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL[e]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		[f]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1432 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] One-hour and 96-hour average concentration limits may be exceeded only once every 3 years.
[e] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
[f] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 7. NAC 445A.1882 is hereby amended to read as follows:

445A.1882 The designated beneficial uses for select bodies of water within the Walker Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Walker River, West Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1886
Topaz Lake	At various points in Topaz Lake.	X	X	X	X	X	X	X	X				Rainbow trout, cutthroat trout, brown trout, kokanee salmon and silver salmon	NAC 445A.1888
Walker River, West Fork near Wellington	From the California-Nevada state line to near Wellington.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1892
Walker River, West Fork at the East Fork of the Walker River	Near Wellington to its confluence with the East Fork of the Walker River near Nordyke Road.	X	X	X	X	X	X	X	X				Brown trout and rainbow trout	NAC 445A.1894
Sweetwater Creek	From the California-Nevada state line to its confluence with the East Fork of the Walker River.	X	X	X	X	X	X	X	X				Mountain whitefish, brown trout, brook trout and rainbow trout	NAC 445A.1896
Walker River, East Fork at the state line	At the California-Nevada state line.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1898
Walker River, East Fork at Bridge B-1475	From the California-Nevada state line to Bridge B-1475.	X	X	X	X	X	X	X	X				Mountain whitefish, rainbow trout and brown trout	NAC 445A.1902
Walker River, East Fork at the West Fork of the Walker River	From Bridge B-1475 to its confluence with the West Fork of the Walker River near Nordyke Road.	X	X	X	X	X	X	X	X				Brown trout and rainbow trout	NAC 445A.1904

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Walker River at the Walker River Indian Reservation	From the confluence of the East Fork of the Walker River and the West Fork of the Walker River to the exterior border of the Walker River Indian Reservation.	X	X	X	X	X	X	X	X				Channel catfish and largemouth bass	NAC 445A.1906
Walker River at Walker Lake	From the exterior border of the Walker River Indian Reservation to Walker Lake.	X	X	X	X	X	X	X	X				Channel catfish, largemouth bass and, from February through June when an adequate flow exists, adult Lahontan cutthroat trout and adult rainbow trout	NAC 445A.1908
Walker Lake	The entire lake.			X	X	X			X				Tui chub, Tahoe sucker, and adult and juvenile Lahontan cutthroat trout	NAC 445A.1914
Desert Creek	From the California-Nevada state line to its confluence with the West Fork of the Walker River.	X	X	X	X	X	X	X	X				Brown trout, brook trout and rainbow trout	NAC 445A.1916
Mason Valley Wildlife Management Area - Bass, Crappie and North Ponds and Hinkson Slough	Hinkson Slough, Bass Pond, Crappie Pond and North Pond.	X	X	X	X	X	X	X	X				Trout	NAC 445A.1918
Mason Valley Wildlife Management Area	All surface water impoundments, excluding Hinkson Slough, Bass Pond, Crappie Pond and North Pond.	X	X	X	X	X	X	X	X					NAC 445A.1922
Cottonwood Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 34, T. 9 N., R. 28 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1926
~~[Squaw]~~ ***Mud Spring*** Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 33, T. 9 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1928

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Rose Creek	From its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 4, T. 8 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1932
Corey Creek	From its origin to the point of diversion of the town of Hawthorne, near the west line of section 3, T. 7 N., R. 29 E., M.D.B. & M.	X	X	X	X	X	X		X					NAC 445A.1934

Irrigation	Irrigation
Livestock	Watering of livestock
Contact	Recreation involving contact with the water
Noncontact	Recreation not involving contact with the water
Industrial	Industrial supply
Municipal	Municipal or domestic supply, or both
Wildlife	Propagation of wildlife
Aquatic	Propagation of aquatic life
Aesthetic	Extraordinary ecological, aesthetic or recreational value
Enhance	Enhancement of water quality
Marsh	Maintenance of a freshwater marsh

Sec. 8. NAC 445A.1928 is hereby amended to read as follows:

445A.1928 The limits of this table apply to the body of water known as ~~[Squaw]~~ ***Mud Spring*** Creek from its origin to the point of diversion of the Hawthorne Naval Ammunition Depot, near the north line of section 33, T. 9 N., R. 29 E., M.D.B. & M. ~~[Squaw]~~ ***Mud Spring*** Creek is located in Mineral County.

STANDARDS OF WATER QUALITY

~~[Squaw]~~ ***Mud Spring*** Creek

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X		X			
Aquatic Life Species of Concern													
Temperature - °C ΔT[b] - °C		S.V. ≤ 20 $\Delta T = 0$			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 6.0			*								
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.10			*	*							
Total Ammonia (as N) - mg/L		[c]			*								
Total Dissolved Solids - mg/L		S.V. ≤ 500						*					
E. coli - cfu/100 mL[d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		[e]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.1882 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 9. NAC 445A.2142 is hereby amended to read as follows:

445A.2142 The designated beneficial uses for select bodies of water within the Colorado Region are prescribed in this section:

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Colorado River below Davis Dam	Colorado River, from Davis Dam to the California-Nevada state line, except for the length of the river within the exterior borders of the Fort Mojave Indian Reservation.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2146
Lake Mohave	The entire lake.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2147
Colorado River below Hoover Dam	From Hoover Dam to Willow Beach.	X	X	X	X	X	X	X	X				Adult cold-water fishery	NAC 445A.2148
Lake Mead	Lake Mead, excluding the area covered by NAC 445A.2154, Inner Las Vegas Bay.	X	X	X	X	X	X	X	X				Warm-water fishery	NAC 445A.2152
Inner Las Vegas Bay	Lake Mead from the confluence of the Las Vegas Wash with Lake Mead to 1.2 miles into Las Vegas Bay.	X	X	X		X		X	X				Warm-water fishery	NAC 445A.2154
Las Vegas Wash at the Historic Lateral	From the confluence of Sloan Channel and Las Vegas Wash to the Historic Lateral. This segment encompasses the discharge from Clark County wastewater treatment plant, the City of Las Vegas wastewater treatment plant and the City of Henderson wastewater treatment plant.	X	X	X		X			X			X	Warm-water fish.	NAC 445A.2156
Las Vegas Wash at Lake Mead	From the Historic Lateral to its confluence with Lake Mead.	X	X	X		X			X			X	Warm-water fish.	NAC 445A.2158
Channels tributary to the Las Vegas Wash	Flamingo Wash, Sloan Channel, Duck Creek and Las Vegas Creek from the applicable origin to the confluence with the Las Vegas Wash. Pittman Wash from its origin to the confluence with Duck Creek. Tropicana Wash from its origin to the confluence with Flamingo Wash. Upper Las Vegas Wash from its origin to the confluence with Sloan Channel.					X			X					Section 1 of LCB File No. R115-22
Lake Las Vegas	The entire lake.		X	X	X	X			X				Warm-water fishery.	NAC 445A.2161
Virgin River at the state line	At the Arizona-Nevada state line, near Littlefield, Arizona.	X	X	X		X		X	X					NAC 445A.2162
Virgin River at Mesquite	From the Arizona-Nevada state line to Mesquite.	X	X	X		X		X	X					NAC 445A.2164
Virgin River at Lake Mead	From Mesquite to the river mouth at Lake Mead.	X	X	X		X		X	X					NAC 445A.2166

Water Body Name	Segment Description	Beneficial Uses										Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh	
Muddy River at the Glendale Bridge	From the river source to the Glendale Bridge, except for the length of the river within the exterior borders of the Moapa Indian Reservation.	X	X	X	X	X	X	X	X				NAC 445A.2168
Muddy River at the Wells Siding Diversion	From the Glendale Bridge to the Wells Siding Diversion.	X	X	X	X	X		X	X				NAC 445A.2172
Muddy River at Lake Mead	From the Wells Siding Diversion to the river mouth at Lake Mead.	X	X	X	X	X		X	X				NAC 445A.2174
Meadow Valley Wash	From the bridge above Rox to its confluence with the Muddy River.	X	X	X		X		X	X				NAC 445A.2176
Beaver Dam Wash	~~[Above Schroeder Reservoir.]~~ ***Within the State of Nevada.***	X	X	X	X	X	X	X	X				NAC 445A.2178
~~[Schroeder Reservoir~~	~~The entire reservoir.~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~				~~Trout~~	~~NAC 445A.2182]~~
White River at the national forest boundary	From its origin to the national forest boundary.	X	X	X	X	X	X		X					NAC 445A.2184
White River at Ellison Creek	From the national forest boundary to its confluence with Ellison Creek.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2186
Dacey Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2188
Sunnyside Creek	From its origin to Adams McGill Reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2192
Adams McGill Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2194
Hay Meadow Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2196
Nesbitt Lake	The entire lake.	X	X	X	X	X	X	X	X					NAC 445A.2198
Pahranagat Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2202
Bowman Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X					NAC 445A.2204
Eagle Valley Creek	From its headwaters to Eagle Valley Reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2206
Eagle Valley Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2208
Echo Canyon Reservoir	The entire reservoir.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2212
Clover Creek	From its origin to the point where it crosses the east range line of T. 4 S., R. 67 E., M.D.B. & M.	X	X	X	X	X	X	X	X				Trout	NAC 445A.2214

Irrigation	Irrigation
Livestock	Watering of livestock
Contact	Recreation involving contact with the water
Noncontact	Recreation not involving contact with the water
Industrial	Industrial supply

Water Body Name	Segment Description	Beneficial Uses											Aquatic Life Species of Concern	Water Quality Standard NAC Reference
		Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh		
Municipal	Municipal or domestic supply, or both													
Wildlife	Propagation of wildlife													
Aquatic	Propagation of aquatic life													
Aesthetic	Extraordinary ecological, aesthetic or recreational value													
Enhance	Enhancement of water quality													
Marsh	Maintenance of a freshwater marsh													

Sec. 10. NAC 445A.2144 is hereby amended to read as follows:

445A.2144 The standards for water quality for select bodies of water within the Colorado Region are prescribed in NAC 445A.2144 to 445A.2214, inclusive ~~[.]~~ ***, and section 1 of this regulation.***

Sec. 11. NAC 445A.2146 is hereby amended to read as follows:

445A.2146 The limits of this table apply to the body of water known as the Colorado River from Davis Dam to the California-Nevada state line, except for the length of the river within the exterior borders of the Fort Mojave Indian Reservation. This segment of the Colorado River is located in Clark County.

STANDARDS OF WATER QUALITY

Colorado River below Davis Dam

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Adult cold-water fishery.										

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Temperature - °C ΔT[b] - °C	ΔT = 0	S.V. ≤ 24 ΔT ≤ 2			*								
pH - SU		S.V. 6.5 - 9.0 ΔpH ± 0.5			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L	A-Avg. ≤ 0.02 S.V. ≤ 0.03	A-Avg. ≤ 0.05			*	*							
Nitrate (as N) - mg/L	A-Avg. ≤ 1.1 S.V. ≤ 1.6	S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 0.06			*								
Total Ammonia (as N) - mg/L		[c]			*								
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU		S.V. ≤ 10			*								
Color - PCU		S.V. ≤ 75						*					
~~[Total Dissolved Solids]~~ ***Salinity*** - mg/L		***Flow weighted A-Avg. concentration ≤ 747***[d]						*					
Chloride - mg/L		S.V. ≤ 400~~[d]~~						*					
Sulfate - mg/L		S.V. ≤ 500~~[d]~~						*					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL[e]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL	A.G.M. ≤ 50 S.V. ≤ 100	S.V. ≤ 1,000		*									
Toxic Materials		[f]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.]~~ ***As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow as measured at the Below Parker Dam station.***

[e] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[f] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 12. NAC 445A.2147 is hereby amended to read as follows:

445A.2147 The limits of this table apply to the body of water known as Lake Mohave, which extends from Willow Beach to Davis Dam. Lake Mohave is located in Clark County.

STANDARDS OF WATER QUALITY

Colorado River: Lake Mohave

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Adult cold-water fishery.										
Temperature -°C ΔT^b - °C	$\Delta T = 0$	S.V. $\leq$24 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. $\geq 5.0^c$			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.05			*	*							
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 0.06			*								
Total Ammonia (as N) - mg/L		[d]			*								
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU		S.V. ≤ 10			*								
Color - PCU		S.V. ≤ 75						*					
~~[Total Dissolved Solids]~~ ***Salinity*** - mg/L		***Flow weighted A-Avg. concentration $\leq$ 747***[e]						*					
Chloride - mg/L		S.V. $\leq$ 400~~[e]~~						*					
Sulfate - mg/L		S.V. $\leq$ 500~~[e]~~						*					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL[f]		G.M. $\leq$ 126 S.V. $\leq$ 410				*							
Fecal Coliform - No./100 mL		S.V. $\leq$ 1,000		*									
Toxic Materials		[g]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] Applies to the epilimnion when stratified, or average in water column during periods of nonstratification.

[d] The water quality criteria for ammonia are specified in NAC 445A.118.

[e] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.]~~ ***As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow as measured at the Below Parker Dam station.***

[f] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[g] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 13. NAC 445A.2148 is hereby amended to read as follows:

445A.2148 The limits of this table apply to the body of water known as the Colorado River from Hoover Dam to Willow Beach. This segment of the Colorado River is located in Clark County.

STANDARDS OF WATER QUALITY

Colorado River below Hoover Dam

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Adult cold-water fishery.										
Temperature - °C ΔT[b] - °C	$\Delta T = 0$	S.V. $\leq$ 24 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. $\geq$ 5.0			*								
Total Phosphorus (as P) - mg/L	A-Avg. $\leq$ 0.02 S.V. $\leq$ 0.033	A-Avg. $\leq$ 0.05			*	*							
Total Nitrogen (as N) - mg/L	A-Avg. $\leq$ 1.0 S.V. $\leq$ 1.5				*	*							
Nitrate (as N) - mg/L		S.V. $\leq$ 10						*					
Nitrite (as N) - mg/L		S.V. $\leq$ 0.06			*								
Total Ammonia (as N) - mg/L		[c]			*								
Total Suspended Solids - mg/L		S.V. $\leq$ 25			*								
Chloride - mg/L		S.V. $\leq$ 400~~[d]~~						*					
Sulfate - mg/L		S.V. $\leq$ 500~~[d]~~						*					
Turbidity - NTU		S.V. $\leq$ 10			*								
Color - PCU		S.V. $\leq$ 75						*					
~~[Total Dissolved Solids]~~ ***Salinity*** - mg/L		***Flow weighted A-Avg. concentration $\leq$ 747***[d]						*					
Alkalinity (as $CaCO_3$) - mg/L		S.V. $\geq$ 20			*								
E. coli - cfu/100 mL[e]		G.M. $\leq$ 126 S.V. $\leq$ 410				*							
Fecal Coliform - No./100 mL	A.G.M. $\leq$ 50 S.V. $\leq$ 100	S.V. $\leq$ 1,000		*									
Toxic Materials		[f]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.]~~ ***As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow as measured at the Below Parker Dam station.***
[e] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
[f] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 14. NAC 445A.2152 is hereby amended to read as follows:

445A.2152 The limits of this table apply to the body of water known as Lake Mead, excluding the area covered by NAC 445A.2154, Inner Las Vegas Bay. Lake Mead is located in Clark County.

STANDARDS OF WATER QUALITY

Lake Mead

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Warm-water fishery.										
Temperature ΔT^b - °C	$\Delta T = 0$	$\Delta T \leq 2$			*								
pH - SU	95% of S.V. samples ≤ 8.8	S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0[c]			*								
Total Inorganic Nitrogen (as N) - mg/L	95% of S.V. samples ≤ 4.5				*	*							
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 1						*					
Total Ammonia (as N) - mg/L		[d]			*								
Chlorophyll a - µg/L	[e]				*	*							
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU	[f]	S.V. ≤ 25			*								
Color - PCU	[g]							*					

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Dissolved Solids - mg/L	~~[Flow Weighted A-Avg. Concentration ≤ 723 measured below Hoover Dam[h]]~~	S.V. ≤ 1000						*					
Salinity - mg/L		***Flow weighted A-Avg. concentration ≤ 723[h]***						*					
Chloride - mg/L		S.V. ≤ 400~~[i]~~						*					
Sulfate - mg/L		S.V. ≤ 500~~[i]~~						*					
E. coli - cfu/100 mL~~[j]~~ *i*		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		≤ 200/400~~[k]~~ *j*				*							
Toxic Materials		~~[l]~~ *k*											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone.

[c] Applies to the epilimnion when stratified, or average in water column during periods of nonstratification.

[d] The water quality criteria for ammonia are specified in NAC 445A.118.

[e] The requirements for chlorophyll *a* are:

[1] Not more than 1 monthly mean in a calendar year at Station LWLVB 1.85 may exceed 45µg/L. Station LWLVB 1.85 is located at the center of the channel at a distance of 1.85 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

[2] The mean for chlorophyll *a* in summer (July 1-September 30) must not exceed 40 µg/L at Station LWLVB 1.85, and the mean for 4 consecutive summer years must not exceed 30 µg/L. The sample must be collected from the center of the channel and must be representative of the top 5 meters of the channel. Station LWLVB 1.85 is located at the center of the channel at a distance of 1.85 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

[3] The mean for chlorophyll *a* in the growing season (April 1-September 30) must not exceed 16 µg/L at Station LWLVB 2.7 and 9 µg/L at Station LWLVB 3.5. Station LWLVB 2.7 is located at a distance of 2.7 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead. Station LWLVB 3.5 is located at a distance of 3.5 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

[4] The mean for chlorophyll *a* in the growing season (April 1-September 30) must not exceed 5 µg/L in the open water of Boulder Basin, Virgin Basin, Gregg Basin and Pierce Basin. The single value must not exceed 10 µg/L for more than 5 percent of the samples.

[5] Not less than two samples per month must be collected between the months of March and October. During the months when only one sample is available, that value must be used in place of the monthly mean.

[f] Turbidity must not exceed that characteristic of natural conditions by more than 10 NTU.

[g] Color must not exceed that characteristic of natural conditions by more than 10 PCU.

[h] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~

~~i The combination of this constituent with other constituents comprising TDS must not result in the violation of the TDS standards for Lake Mead and the Colorado River.~~

~~j]~~ ***As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow as measured at the Below Hoover Dam station.***

i The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

~~[k]~~ *j* Based on a minimum of not less than five samples taken over a 30-day period, the fecal coliform bacterial level must not exceed a log mean of 200 per 100 milliliters, nor must more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100 milliliters.

~~[l]~~ *k* The water quality criteria for toxic materials are specified in NAC 445A.1236.

➥ The Commission recognizes that at entrances of tributaries to Lake Mead, localized exceedance of standards may occur.

Sec. 15. NAC 445A.2154 is hereby amended to read as follows:

445A.2154 The limits of this table apply to the body of water known as Inner Las Vegas Bay, consisting of Lake Mead from the confluence of the Las Vegas Wash with Lake Mead to 1.2 miles into Las Vegas Bay. Inner Las Vegas Bay is located in Clark County.

STANDARDS OF WATER QUALITY

Inner Las Vegas Bay

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X		X		X	X			
Aquatic Life Species of Concern			Warm-water fishery.										
Temperature ΔT^b - °C	$\Delta T = 0$	$\Delta T \leq 2$			*								
pH - SU	95% of S.V. samples ≤ 8.9	S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0[c]			*								
Total Inorganic Nitrogen (as N) - mg/L	95% of S.V. samples ≤ 5.3				*								
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5			*								
Total Ammonia (as N) - mg/L		[d]			*								
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU	[e]	S.V. ≤ 25			*								
Total Dissolved Solids - mg/L~~[f]~~		S.V. ≤ 3000	*										
E. coli - cfu/100 mL		A.G.M. ≤ 630					*						
Fecal Coliform No./100mL		≤ 200/400~~[g]~~ *f*					*						
Toxic Materials		~~[h]~~ *g*											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone.

[c] Applies to the epilimnion when stratified, or average in water column during periods of nonstratification.

[d] The requirement for water quality with regard to the concentration of total ammonia is provided pursuant to the provisions of NAC 445A.118. Data must be collected at Station LWLVB 1.2. Station LWLVB 1.2 is located at the center of the channel at a distance of 1.2 miles into Las Vegas Bay from the confluence of the Las Vegas Wash with Lake Mead.

[e] Turbidity must not exceed that characteristic of natural conditions by more than 10 NTU.

[f] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~

~~g~~ Any discharge from a point source into Las Vegas Wash must not exceed a log mean of 200 per 100 milliliters based on a minimum of not less than five samples taken over a 30-day period, nor may more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100 milliliters.

~~[h]~~ *g* The water quality criteria for toxic materials are specified in NAC 445A.1236.

➥ The Commission recognizes that water quality standards for the ~~[inner]~~ ***Inner*** Las Vegas Bay may be exceeded during storm and flash flood events. During these events, the beneficial use of noncontact recreation and the E. coli water quality criteria do not apply.

Sec. 16. NAC 445A.2161 is hereby amended to read as follows:

445A.2161 The limits of this table apply to the entire body of water known as Lake Las Vegas. Lake Las Vegas is located in Clark County.

STANDARDS OF WATER QUALITY

Lake Las Vegas

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses				X	X	X	X			X			
Aquatic Life Species of Concern.			Warm-water fish.										
Temperature ΔT^b - °C		$\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. $\geq 5.0^c$			*								
Chlorophyll a - µg/L		[d]			*	*							
Turbidity - NTU		S.V. $\leq 10^e$			*								
Total Dissolved Solids - mg/L		S.V. $\leq$ 2000~~[f]~~		*									
Fecal Coliform - No./100ml		S.V. $\leq$ 1,000		*									
E. coli - cfu/100 mL~~[g]~~ *f*		G.M. $\leq$ 126 S.V. $\leq$ 410				*							
Toxic Materials		~~[h]~~ *g*											

* = The most restrictive beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Average temperature in the epilimnion should not exceed 2°C above ambient temperature (i.e., temperature in epilimnion of Lake Mead).

[c] Applies to the epilimnion when stratified, or average in water column during periods of nonstratification.

[d] The seasonal average chlorophyll-a concentration within 0-2.5 m, April through September, should not exceed 15 µg/L.

[e] Turbidity must not exceed that characteristic of natural conditions by more than 10 Nephelometric Turbidity Units (NTU).

[f] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~

~~g]~~ The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

~~[h]~~ [g] The water quality criteria for toxic materials are specified in NAC 445A.1236.

➥ The Commission recognizes that storm waters from Las Vegas Wash may enter Lake Las Vegas during storm and flash-flood events and that localized exceedance of the standards may occur during such events.

Sec. 17. NAC 445A.2162 is hereby amended to read as follows:

445A.2162 The limits of this table apply to the body of water known as the Virgin River at the Arizona-Nevada state line, near Littlefield, Arizona. This segment of the Virgin River is located in Clark County.

STANDARDS OF WATER QUALITY

Virgin River at the state line

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X		X		X	X			
Aquatic Life Species of Concern													
Temperature - °C ΔT^b - °C	$\Delta T = 0$	S.V. Nov-Jun ≤ 21 S.V. Jul-Oct ≤ 32 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L	A-Avg. ≤ 0.06 S.V. ≤ 0.1	A-Avg. ≤ 0.1			*								
Total Nitrogen (as N) - mg/L	S.V. ≤ 2.4 A-Avg. ≤ 3.2				*								
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL		A.G.M. ≤ 630					*						

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Fecal Coliform - No./100 mL	A.G.M. ≤ 450 S.V. ≤ 1800	S.V. ≤ 1,000		*									
Toxic Materials		~~[e]~~ *d*											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 18. NAC 445A.2164 is hereby amended to read as follows:

445A.2164 The limits of this table apply to the body of water known as the Virgin River from the Arizona-Nevada state line to Mesquite. This segment of the Virgin River is located in Clark County.

STANDARDS OF WATER QUALITY

Virgin River at Mesquite

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X		X		X	X			
Aquatic Life Species of Concern													
Temperature - °C ΔT[b] - °C	ΔT = 0	S.V. Nov-Jun ≤ 21 S.V. Jul-Oct ≤ 32 ΔT ≤ 2			*								
pH - SU		S.V. 6.5 - 9.0 ΔpH ± 0.5			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.1			*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Nitrogen (as N) - mg/L	S.V. ≤ 0.9 A-Avg. ≤ 1.6				*								
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL		A.G.M. ≤ 630					*						
Fecal Coliform - No./100 mL	A.G.M. ≤ 300 S.V. ≤ 550	S.V. ≤ 1,000		*									
Toxic Materials		~~[e]~~ [d]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 19. NAC 445A.2166 is hereby amended to read as follows:

445A.2166 The limits of this table apply to the body of water known as the Virgin River from Mesquite to the river mouth at Lake Mead. This segment of the Virgin River is located in Clark County.

STANDARDS OF WATER QUALITY

Virgin River at Lake Mead

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X		X		X	X			
Aquatic Life Species of Concern													
Temperature - °C ΔT^b - °C	$\Delta T = 0$	S.V. Nov-Jun ≤ 21 S.V. Jul-Oct ≤ 32 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.1			*								
Total Nitrogen (as N) - mg/L	A-Avg. ≤ 2.9 S.V. ≤ 6.1				*								
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL		A.G.M. ≤ 630					*						
Fecal Coliform - No./100 mL	A.G.M. ≤ 625 S.V. ≤ 1250	S.V. $\leq 1,000$		*									
Toxic Materials		~~[e]~~ [d]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 20. NAC 445A.2168 is hereby amended to read as follows:

445A.2168 The limits of this table apply to the body of water known as the Muddy River from the river source to the Glendale Bridge, except for the length of the river within the exterior borders of the Moapa Indian Reservation. This segment of the Muddy River is located in Clark County.

STANDARDS OF WATER QUALITY

Muddy River at the Glendale Bridge

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature °C - Source Springs to Warm Springs Bridge Warm Springs Bridge to Glendale Bridge ΔT[b]	$\Delta T = 0$ ~~[°C]~~	19≤ ~~[T]~~ *S.V.* ≤32 15≤ ~~[T]~~ *S.V.* ≤30 $\Delta T \leq 2$ ~~[°C]~~			*								
pH - SU		S.V. 6.5 - 9.0 ΔpH ± 0.5 Max.			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.1			*	*							
Total Nitrogen (as N) - mg/L	A-Avg. ≤ 1.3 S.V. ≤ 1.4				*								
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 1.0						*					
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
Color - PCU		S.V. ≤ 75						*					
~~[Total Dissolved Solids - mg/L~~		~~d~~						~~*]~~					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL ~~[e]~~ [d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Fluoride (as total recoverable) - mg/L		S.V. ≤ 2.6		*									
Toxic Materials		~~[f]~~ [e]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~

~~c~~] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

~~[~~[d] [e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 21. NAC 445A.2172 is hereby amended to read as follows:

445A.2172 The limits of this table apply to the body of water known as the Muddy River from the Glendale Bridge to the Wells Siding Diversion. This segment of the Muddy River is located in Clark County.

STANDARDS OF WATER QUALITY

Muddy River at the Wells Siding Diversion

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X		X	X			
Aquatic Life Species of Concern													
Temperature °C - ΔT[b]	ΔT = 0 ~~[°C]~~	15≤ ~~[T]~~ *S.V.* ≤30 ΔT≤2 ~~[°C]~~			*								
pH - SU		S.V. 6.5 - 9.0 ΔpH ±0.5 Max.			*								
Dissolved Oxygen - mg/L		S.V. ≥5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤0.3			*	*							
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total DissolvedSolids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL ~~[c]~~ [d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Fluoride (as total recoverable) - mg/L		S.V. ≤ 2.6		*									
Toxic Materials		~~[f]~~ [e]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
~~[f]~~ *e* The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 22. NAC 445A.2174 is hereby amended to read as follows:

445A.2174 The limits of this table apply to the body of water known as the Muddy River from the Wells Siding Diversion to the river mouth at Lake Mead. This segment of the Muddy River is located in Clark County.

STANDARDS OF WATER QUALITY

Muddy River at Lake Mead

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X		X	X			
Aquatic Life Species of Concern													
Temperature °C - ΔT[b]	$\Delta T = 0$ ~~[°C]~~	~~T]~~ *S.V.* ≤ 32 $\Delta T \leq 2$ ~~[°C]~~			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$ Max.			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.3			*	*							
Total Nitrogen (as N) - mg/L	A-Avg. ≤ 1.3 S.V. ≤ 1.8				*	*							
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
E. coli - cfu/100 mL~~[c]~~ [d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL	A.G.M. ≤ 500 S.V. ≤ 1300	S.V. ≤ 1,000		*									
Boron (as total recoverable) - mg/L		S.V. ≤ 2.0		*									
Fluoride (as total recoverable) - mg/L		S.V. ≤ 3.6		*									
Toxic Materials		~~[f]~~ [e]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
~~[f]~~ [e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 23. NAC 445A.2176 is hereby amended to read as follows:

445A.2176 The limits of this table apply to the body of water known as the Meadow Valley Wash from the bridge above Rox to the Muddy River. The Meadow Valley Wash is located in Clark and Lincoln Counties.

STANDARDS OF WATER QUALITY

Meadow Valley Wash

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X		X		X	X			
Aquatic Life Species of Concern													

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Temperature - °C ΔT^b - °C	$\Delta T = 0$	S.V. Nov-Jun ≤ 21 S.V. Jul-Oct ≤ 32 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		A-Avg. ≤ 0.1			*								
Total Nitrogen (as N) - mg/L	A-Avg. ≤ 2.0 S.V. ≤ 3.3				*								
Nitrate (as N) - mg/L		S.V. ≤ 90			*								
Nitrite (as N) - mg/L		S.V. ≤ 5.0			*								
Total Ammonia (as N) - mg/L		[c]			*								
Turbidity - NTU		S.V. ≤ 50			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~		~~*]~~									
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL		A.G.M. ≤ 630					*						
Fecal Coliform - No./100 mL		S.V. $\leq 1,000$		*									
Toxic Materials		~~[e]~~ *d*											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 24. NAC 445A.2178 is hereby amended to read as follows:

445A.2178 The limits of this table apply to the body of water known as the Beaver Dam Wash ~~[above Schroeder Reservoir.]~~ ***within the State of Nevada.*** The Beaver Dam Wash is located in Lincoln County.

STANDARDS OF WATER QUALITY

Beaver Dam Wash

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature - °C ΔT^b - °C	 $\Delta T = 0$	S.V. Nov-Apr ≤ 13 S.V. May-Jun ≤ 17 S.V. Jul-Oct ≤ 23 $\Delta T \leq 2$			*								
pH - SU		S.V. 6.5 - 9.0 $\Delta pH \pm 0.5$			*								
Dissolved Oxygen - mg/L		S.V. Nov-May ≥ 6.0 S.V. Jun-Oct ≥ 5.0			*								
Total Phosphorus (as P) - mg/L	A-Avg. ≤ 0.01 S.V. ≤ 0.013	A-Avg. ≤ 0.05			*	*							
Nitrate (as N) - mg/L	S.V. ≤ 0.22	S.V. ≤ 10.0						*					
Nitrite (as N) - mg/L		S.V. ≤ 0.06			*								
Total Ammonia (as N) - mg/L		[c]			*								
Total Suspended Solids - mg/L		S.V. ≤ 25			*								
Turbidity - NTU		S.V. ≤ 10			*								
Color - PCU		S.V. ≤ 75						*					
~~[Total Dissolved Solids - mg/L~~		~~d~~						~~*]~~					
Alkalinity (as $CaCO_3$) - mg/L		S.V. ≥ 20			*								
E. coli - cfu/100 mL ~~[e]~~ [d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		~~[f]~~ [e]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~

~~e]~~ The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

~~[f]~~ [e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 25. NAC 445A.2204 is hereby amended to read as follows:

445A.2204 The limits of this table apply to the entire body of water known as Bowman Reservoir. Bowman Reservoir is located in Clark County.

STANDARDS OF WATER QUALITY

Bowman Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern													
Temperature - °C ΔT[b]		~~[~~T~~]~~ ***S.V.*** ≤ 34 $\Delta T \leq 3$ ~~[°C]~~			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.33			*								
Total Ammonia (as N) - mg/L		[c]			*								
~~[Total Dissolved Solids - mg/L~~		~~d~~						~~*]~~					
E. coli - cfu/100 mL~~[e]~~ [d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Fluoride (as total recoverable) - mg/L		S.V. ≤ 2.6		*									
Toxic Materials		~~[f]~~ [e]											

* = The most restrictive beneficial use.
X = Beneficial use.
[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.
[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.
[c] The water quality criteria for ammonia are specified in NAC 445A.118.
[d] ~~[The salinity standards for the Colorado River system are specified in NAC 445A.1233.~~
~~e]~~ The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.
~~[f]~~ [e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

Sec. 26. NAC 445A.0865, 445A.1233 and 445A.2182 are hereby repealed.

TEXT OF REPEALED SECTIONS

445A.0865 "Flow weighted annual average concentration" defined. (NRS 445A.425)

"Flow weighted annual average concentration" means a value calculated by:

1. Multiplying, not more than once each day during a 365-day period, the concentration of pollutants present in a sample of water by the rate of flow of the water at the location and time at which the sample is taken;

2. Summing the amounts determined pursuant to subsection 1 during a 365-day period;

3. Dividing the sum determined pursuant to subsection 2 by the total number of days the concentration of pollutants is measured pursuant to subsection 1 during a 365-day period; and

4. Dividing the amount determined pursuant to subsection 3 by the annual mean flow.

445A.1233 Cooperation regarding Colorado River; salinity standards. (NRS 445A.425, 445A.520)

1. The State of Nevada will cooperate with the other Colorado River Basin states and the Federal Government to support and carry out the conclusions and recommendations adopted April 27, 1972, by the Reconvened 7th Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries.

2. Pursuant to the "2017 Review - Water Quality Standards for Salinity, Colorado River System," as adopted by the Colorado River Basin Salinity Control Forum, the flow weighted annual average concentrations for the calendar year for total dissolved solids in mg/L at the three lower main stem stations of the Colorado River are as follows:

Station	Salinity in mg/L
Below Hoover Dam	723
Below Parker Dam	747
At Imperial Dam	879

445A.2182 Colorado Region: Schroeder Reservoir. (NRS 445A.425, 445A.520) The limits of this table apply to the entire body of water known as Schroeder Reservoir. Schroeder Reservoir is located in Lincoln County.

STANDARDS OF WATER QUALITY

Schroeder Reservoir

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Trout.										
Temperature - °C ΔT^b - °C		S.V. $\leq$ 20 $\Delta T \leq 3$			*								
pH - SU		S.V. 6.5 - 9.0			*								
Dissolved Oxygen - mg/L		S.V. $\geq$ 6.0			*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses[a]										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Phosphorus (as P) - mg/L		S.V. ≤ 0.33			*								
Total Ammonia (as N) - mg/L		[c]			*								
Total Dissolved Solids - mg/L		S.V. ≤ 500						*					
E. coli - cfu/100 mL[d]		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL		S.V. ≤ 1,000		*									
Toxic Materials		[e]											

* = The most restrictive beneficial use.
X = Beneficial use.

[a] Refer to NAC 445A.122 and 445A.2142 for beneficial use terminology.

[b] Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone, but the increase must not cause a violation of the single value standard.

[c] The water quality criteria for ammonia are specified in NAC 445A.118.

[d] The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

[e] The water quality criteria for toxic materials are specified in NAC 445A.1236.

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: R146-24RP2

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation
The purpose of the proposed regulation is to update the NAC to reflect current conditions of stream reaches, existing names of waters, and to assure the most current criteria documents are referenced.

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 drafts, R146-24P, R146-24RP1, and R146-24RP2, in the Nevada Register on July 25, 2025, October 27, 2025, and December 10, 2025, respectively.

The NDEP held one public workshop for R146-24RP2 on March 10, 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. Seven 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) Warren Turkett, representing the Colorado River Commission of Nevada, expressed appreciation for the presentation and stated that he looks forward to continued collaboration with NDEP to complete the upcoming 2026 Colorado River Salinity Control Forum Triennial Review.

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 Bureau of Water Quality Planning email distribution list. The Division accepted written comments on R146-24RP2 for 30 days ending on March 26, 2026.

The following written comments were received by the Division (each followed by the Division's response):

Comments regarding the applicability of the "Below Hoover Dam" Salinity Criterion to Lake Mead

"Below Hoover Dam" is one of the three numeric criteria stations designated by the Forum for determining compliance with Colorado River salinity standards. Because Hoover Dam impounds the Colorado River to form Lake Mead, the lake lies immediately upstream of the "Below Hoover Dam" station. Under NAC 445A.1239, control-point criteria apply to all surface waters in the watershed upstream from the control point unless superseded by an upstream control point.

To reinforce alignment with the Forum's framework, to avoid misinterpretation, and to maintain consistency across all Colorado River segments, the salinity criterion footnote in NAC 445A.2152 will be amended to state:

> "*As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow* ***as measured at the Below Hoover Dam station****.* [emphasis added]*"*

Comments noted that the 2023 Review specifies that the 723 mg/L criterion applies "Below Hoover Dam." To avoid confusion, it is important to distinguish that:

- The 723 mg/L criterion applies to a discrete location, the Below Hoover Dam station selected by the Forum.
- It does not apply as the salinity criterion for the segment of the Colorado River downstream of the dam.

Comments Regarding the Relationship Between NAC 445A.1239 and The Salinity Control Forum Stations

Comments noted a perceived conflict between:

- The upstream-applicability framework in NAC 445A.1239, and
- The Forum's station-specific compliance approach, under which salinity criteria are evaluated only at the three designated lower Colorado River stations.

Nevada's control point provisions have been in place for decades and are part of the state's broader water quality standards system, which differs structurally from the Forum's compliance-station approach. Adoption of the Forum's criteria by reference (section 1 of the regulation) allows Nevada to remain fully consistent with the basin-wide program while maintaining its own regulatory architecture.

This rationale is also supported by 40 CFR 131.10(b) which requires that water quality be maintained upstream of each station selected by the Forum to ensure attainment of that station's criterion. The criterion must also apply to the waterbody itself, not solely at the downstream station, to support development of appropriate effluent limits for permitted discharges. NDEP will add the clarifying language discussed above that links the NAC tables to the Forum's designated compliance locations—consistent with the

CRCN's recommendation. This will help prevent misinterpretation and harmonize both frameworks.

Comments regarding retention of the Existing TDS ≤ 1000 mg/L Criterion in NAC 445A.2152

Concern was expressed regarding the proposed change for NAC 445A.2152 from the existing TDS ≤ 1000 mg/L single-value criterion to a Flow Weighted A-Avg. Salinity criterion ≤ 723 mg/L. In the final regulation, NDEP will retain the TDS ≤ 1000 mg/L S.V. criterion in NAC 445A.2152. As proposed, the Forum's ≤ 723 mg/L Flow Weighted A-Avg. salinity criterion will also be included in NAC 445A.2152.

This approach maintains the existing Nevada water quality framework while clearly incorporating the Forum's salinity criterion for its Below Hoover Dam station.

Concern on the use of Flow-Weighted Annual Average Salinity for Lake Mead

NDEP concurs with CCWRD's comment that a flow-weighted annual average concentration cannot be directly calculated within a lentic waterbody such as Lake Mead. Lake Mead's water quality must be maintained such that the salinity criterion is achieved at the Forum-designated location "Below Hoover Dam". While the criterion applies to Lake Mead (per NAC 445A.1239), compliance is evaluated by the Forum at the "Below Hoover Dam" station, where total annual salt load and streamflow can be directly measured.

This approach is consistent with both NAC 445A.1239 and the Forum's longstanding salinity compliance methodology. Section 1 of R146-24 adopts the Forum's 2023 Review by reference. Compliance will continue to be determined by the Forum at the "Below Hoover Dam" station using its established monitoring and calculation methods.

Concerns Regarding Single-Point Exceedances within Lake Mead

Comment discussed the possibility that isolated TDS values in Lake Mead (e.g., within Las Vegas Bay) may exceed 723 mg/L and could lead to potential 303(d) impairment listings. To clarify:

- The 723 mg/L criterion is a flow-weighted annual average, not an instantaneous or spatially uniform ambient concentration requirement.
- Compliance is determined by the Forum at the "Below Hoover Dam" station, not at locations within Lake Mead.
- R146-24 does not alter Nevada's assessment protocols or impairment methodology.
- Depending on the location, the Las Vegas Bay site referenced may be within Inner Las Vegas Bay (NAC 445A.2154 - NV13-CL-04_00) which is a distinct assessment unit from Lake Mead (NAC 445A.2152 - NV13-CL-03_00). Inner Las Vegas Bay has a Single Value Total Dissolved criterion of ≤ 3000 mg/L and is not directly subject to the Forum's salinity criteria.

As discussed in responses to other comments, clarifying language in response to comments received is proposed to be added to the footnote of affected waters.

Comments Clarifying Salinity Compliance for Downstream River Segments

Comments noted that the water quality tables for "Colorado River below Davis Dam" and "Lake Mohave" should clarify that the applicable flow-weighted annual average criterion is measured below Parker Dam.

To reinforce alignment with the Forum's framework, to avoid misinterpretation, and to maintain consistency across all Colorado River segments, the salinity criteria footnotes in NAC 445A.2146, NAC 445A.2147, and NAC 445A.2148 will be amended to state:

> "*As used for this parameter, flow weighted annual average concentration means the total annual salt load divided by the total annual streamflow* ***as measured at the Below Parker Dam station****.* [emphasis added]*"*

Comments Regarding Terminology Change from TDS to Salinity

Commenters raised a valid distinction that salinity and TDS are not strictly synonymous. However, the Forum explicitly uses the term "numeric salinity criteria".

Given that R146-24 adopts the 2023 Review by reference, the terminology used in the NAC must reflect the terminology used by the Forum. The Forum continues to be responsible for defining salinity, conducting triennial reviews of the water quality standards for salinity in the Colorado River system, and determining whether their salinity standards are being met.

The SEC held a hybrid regulatory hearing on April 30, 2026, to consider possible action on R146-24RP2. The SEC posted its public notice, which included a link[1] and instructions to access R146-24RP2 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 April 30, 2026, hearing: 45 (approximately)
(b) Testified on this petition at the hearing: 3

[1] https://sec.nv.gov/meetings/sec-meeting-april 30-2026

1. Jason Kuchnicki, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9450
   kuchnicki@ndep.nv.gov

2. Seth Alm, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9457
   salm@ndep.nv.gov

3. Dan Fischer, representing Clark County Water Reclamation District

(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.

Comments were solicited from affected businesses through one public workshop and during the April 30, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the April 30, 2026, SEC meeting: Mr. Dan Fischer, representing Clark County Water Reclamation District, spoke briefly in support of the regulations.

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 R146-24RP2 with NDEP-proposed changes because the SEC was satisfied with the proposed regulation and proposed edits to the LCB draft.

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 are not expected to have any adverse or beneficial effect on the regulated industry or small business either in the short or long term.

Public:

The proposed regulations are not expected to have any adverse or beneficial effect on the public either in the short or long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

The proposed changes will not add to the Division's current workload and are not expected to have any impact on the Division.

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 regulations do not provide for any new or increased fees.

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. The proposed regulation does not impose direct regulation of small businesses. The establishment of water quality standards is required by the Clean Water Act. Water quality standards are set to protect the designated uses of water. Water quality standards in and of themselves have no direct regulatory mechanism but are used as the basis for surface-water discharge permits.

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. The proposed regulation does not restrict the formation, operation or expansion of small business (see explanation in question #1 above).

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.)*

Not applicable.

2. The manner in which the analysis was conducted (if an impact was determined).

Not applicable.

3. The estimated economic effect of the proposed regulation on small businesses:

Not applicable.

a. Both adverse and beneficial effects:

b. Both direct and indirect effects:

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.)*

Not applicable.

A. Simplification of the proposed regulation:

B. Establishment of different standards of compliance for a small business:

C. Modification of fees or fines so that a small business in authorized to pay a lower fee or fine:

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

None.

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.

Not applicable. This regulation does not provide for new or expanded fees.

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.

Not applicable.

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

Not applicable.

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.

Jennifer Carr
Administrator, NDEP

6/18/24
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

ADOPTED REGULATION OF THE

STATE DEPARTMENT OF AGRICULTURE

LCB File No. R188-24

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

AUTHORITY: §§ 1-3, NRS 557.260; § 4, NRS 557.260 and 557.270.

A REGULATION relating to hemp; defining total THC; revising provisions relating to the acceptable hemp THC level; revising provisions relating to the testing of hemp; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the growth and handling of hemp and the production of agricultural hemp seed in this State by persons registered with the State Department of Agriculture. (Chapter 557 of NRS) Existing federal law authorizes the production of hemp under the primary jurisdiction of a state or Indian tribe if the state or Indian tribe submits to the United States Secretary of Agriculture a plan that satisfies certain requirements. (7 U.S.C. § 1639p)

Existing federal regulations designate the maximum THC level of hemp for the purpose of compliance with a state plan as the "acceptable hemp THC level." (7 C.F.R. §§ 990.1, 990.3) Under existing federal regulations, the acceptable hemp THC level is defined as when the application of the measurement of uncertainty to the reported total delta-9-tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3 percent or less. (7 C.F.R. § 990.1) Existing state regulations similarly provide that the maximum THC concentration for hemp for the purposes of the provisions of existing state law governing hemp is the acceptable hemp THC level. (NRS 557.160; NAC 557.042) Existing state regulations define "acceptable hemp THC level" to mean a THC content concentration level on a dry weight basis that, when reported with the laboratory's measurement of uncertainty, produces a distribution or range that includes a THC content concentration level on a dry weight basis that is equal to or less than the maximum delta-9-tetrahydrocannabinol concentration level on a dry weight basis for hemp established under the definition of hemp in federal law. (NAC 557.011)

Existing federal regulations define "total THC" to mean, in general, the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9-tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. (7 C.F.R. § 990.1)

Section 1 of this regulation defines "total THC" to have the meaning ascribed to it in existing federal regulations. **Sections 3 and 4** of this regulation replace references in existing state regulations governing hemp to the amount of THC contained in hemp to instead refer to the "total THC" contained in hemp, including for the purposes of compliance with the acceptable hemp THC level. **Section 3** further revises the definition of the acceptable hemp THC level by replacing the reference to the federal law definition of hemp with a reference to the acceptable hemp THC level established under federal regulations, thereby aligning the acceptable hemp THC level under state regulations with the level established under federal regulations. **Section 2** of this regulation makes a conforming change to apply the definition of "total THC" set forth in **section 1** to existing regulations generally governing hemp.

Existing federal regulations require a state plan to include certain procedures and methods of testing a sample of hemp to identify whether the sample of hemp contains a total THC content concentration level that exceeds the acceptable hemp THC level. (7 C.F.R. § 990.3) Existing state regulations require that such testing include: (1) the conversion of THCA into THC using a post-decarboxylation or similarly reliable method; or (2) other methods that meet the requirements of existing federal regulations governing such testing. (7 C.F.R. § 990.3; NAC 557.136) **Section 4** defines the term "post-decarboxylation" for these purposes.

Section 1. Chapter 557 of NAC is hereby amended by adding thereto a new section to read as follows:

"Total THC" has the meaning ascribed to it in 7 C.F.R. § 990.1.

Sec. 2. NAC 557.005 is hereby amended to read as follows:

557.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 557.011 to 557.032, inclusive, ***and section 1 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 3. NAC 557.011 is hereby amended to read as follows:

557.011 "Acceptable hemp THC level" means a ***total*** THC content concentration level on a dry weight basis that, when reported with the laboratory's measurement of uncertainty, produces a distribution or range that includes a ***total*** THC content concentration level on a dry weight basis that is equal to or less than the maximum ***total*** delta-9-tetrahydrocannabinol concentration

level on a dry weight basis for hemp established ~~[by 7 U.S.C. § 1639o.]~~ ***in the definition ascribed to "acceptable hemp THC level" in 7 C.F.R. § 990.1.***

Sec. 4. NAC 557.136 is hereby amended to read as follows:

557.136 1. The testing required pursuant to NRS 557.270 must be conducted using testing procedures that meet the requirements set forth in 7 C.F.R. § 990.3. Such testing procedures must include, without limitation:

(a) The conversion of delta-9-tetrahydrocannabinolic acid (THCA) into THC using a post-decarboxylation or similarly reliable method; or

(b) Other methods that meet the requirements set forth in 7 C.F.R. § 990.3.

2. In determining whether a crop has a ***total*** THC concentration that exceeds the acceptable hemp THC level, the Department will use a measurement of uncertainty that meets:

(a) The requirements set forth in the publication adopted by reference pursuant to NAC 557.131; and

(b) Any requirements set forth in 7 C.F.R. Part 990.

3. A registrant shall not allow a crop to enter the stream of commerce until the registrant has received a report issued by the Department pursuant to subsection 4 of NRS 557.270 indicating that the crop contains a ***total*** THC concentration that does not exceed the acceptable hemp THC level.

4. As used in this section, "post-decarboxylation" has the meaning ascribed to it in 7 C.F.R. § 990.1.

JOE LOMBARDO
Governor

STATE OF NEVADA

J.J. GOICOECHEA, DVM
Director

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Fax (775) 738-2639

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

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

INFORMATIONAL STATEMENT
LCB File No. R188-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 555.

a) A clear and concise explanation of the need for the adopted regulation.
This adopted regulation is needed to align state and federal definitions and regulations to maintain a federally compliant hemp program in Nevada. Compliance with federal law is required for Nevada hemp to enter the national marketplace.

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 557 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/

A workshop was held on March 3, 2026. The hearing was held on April 14, 2026, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Department of Agriculture, Attn: Dyan Reece, 405 S. 21st St., Sparks, NV 89431, (775) 353-3670, or d.reece@agri.nv.gov.

c) The number of persons who:
1) Attended each hearing;
14 persons attended the hearing
2) Testified at each hearing; and

0 attendees testified.

3) **Submitted to the agency written statements.**
No written comments were received

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

1) **Name;**
2) **Telephone number;**
3) **Business address;**
4) **Business telephone number;**
5) **Electronic mail address; and**
6) **Name of entity or organization represented.**

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 NDA launched a small business impact survey on January 5, 2026 and closed it on January 19, 2026. The survey was posted to NDA's website and social media accounts. In addition, it was distributed to an email list comprised of 9,134 recipients (2,616 of which opened the email), including past and current registered Growers, Handlers, and Seed Producers within the State of Nevada. A statistical analysis of the survey results was compiled and considered upon the closing of the survey. The survey also included open-ended questions, and the comments received were also considered. A workshop was held on March 3, 2026 to review the proposed changes and receive public comment to help shape the final proposed language. Additional comments could be submitted following the workshop. A hearing was held on April 14, 2026.

- Of the total 27 survey respondents, 14 responded to the question asking if they are currently registered with the Nevada Department of Agriculture under the Industrial Hemp Program.
  - 2 respondents answered yes.
  - 12 respondents answered no.

- 14 respondents answered the question asking if they are a registered Grower, Handler, or Seed Producer.
  - 2 respondents answered that they are Growers.
  - 2 respondents answered that they are Handlers.
  - 2 respondents answered that they are Seed Producers.
  - 12 respondents answered with "other".

- 5 survey respondents replied to the question asking if their business falls under the definition of a small business as defined by NRS233B.0382.:
  - 4 indicated that they fall under the definition of a small business, 1 did not.
  - Question regarding the number of employees their business has:
    - 3 respondents indicated that they have 1-15 employees.
    - 1 respondent indicated that they have 16-30 employees.
    - 1 respondent indicated that they have 46-60 employees.

- 3 survey respondents replied to the question asking if the proposed changes to NAC 557 would impact their ability to do business:
    - 2 respondents replied "no", 1 respondent replied with "unknown".

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

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 NDA did not receive questions or public comment related to this regulation.

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

- **Adverse economic effect on regulated businesses**
  The NDA does not anticipate an adverse effect on regulated businesses
- **Beneficial economic effect on regulated businesses**
  The NDA does not anticipate a new beneficial economic effect on regulated businesses. The regulation will maintain regulated businesses' ability to participate in the national marketplace
- **Immediate economic effect on regulated business**
  The NDA does not anticipate an adverse effect on regulated businesses
- **Long-term economic effect on regulated business**
  The NDA anticipates this regulation will maintain the current economic environment for regulated businesses. This regulation will maintain regulated businesses' ability to participate in the national marketplace.
- **Adverse economic effect on the public**
  The NDA does not anticipate an adverse economic effect on the public
- **Beneficial economic effect on the public**
  The NDA does not anticipate a beneficial economic effect on the public
- **Immediate economic effect on the public**
  The NDA does not anticipate an immediate economic effect on the public
- **Long-term economic effect on the public**
  The NDA does not anticipate a long-term economic effect on the public

h) The estimated cost to the agency for enforcement of the proposed regulation.
The NDA does not estimate any costs associated with enforcement of this proposed regulation. These revisions will add minor administrative work such as communication with industry to notify them of the updated language in the regulations.

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 regulation references definitions in 7 C.F.R. § 990.1, creating concurrence between state and federal regulations. The NDA is required to maintain a USDA approved Hemp State Plan to enable hemp

production and sale in Nevada pursuant to the 2018 Farm Bill. These changes are necessary to align state and federal definitions to maintain an approved Hemp State Plan. Although this regulation is concurrent with federal regulation, the only entity enforcing the regulation is the State of Nevada through administration of the Nevada State Hemp Plan.

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 include provisions which are more stringent than federal regulation. The proposed regulation references definitions in 7 C.F.R. § 990.1 creating concurrence between state and federal law as required by the Nevad Hemp State Plan.

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

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

NAC 557 Adoption Hearing Minutes from 04/14/2026

Division of Plant Health and Compliance

MEETING MINUTES

Of the Nevada Administrative Code (NAC) Chapter 557 of the Nevada Department of Agriculture (NDA)

LCB File No. R188-24

The Nevada Department of Agriculture (NDA) held a public meeting on April 14th, 2026 beginning at 10:00 am at the following location(s):

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

Video conference to:

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

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445
Phone: (775) 738-8076

Phone and/or video conference via:

Meeting ID: 244 054 717 680 8
Access code: p5V7v8Qv

Persons in attendance:

- JJ Goicoechea, DVM, Director, Nevada Department of Agriculture
- Ray Saliga, Deputy Administrator, NDA Division of Plant Health and Compliance
- Dyan R. Reece, Administrative Assistant III
- Kailey Keenen-Garren , Agriculturist IV
- Rheanna Jackson, Agriculturist II

- Leycha Ortiz-Carlos Agriculturist II
- Teresa Hayes, Health Program Manager NDA Food, Sparks
- Aaron Cuellar, Deputy Attorney General, Nevada Attorney General's Office
- Emily Bordelove, Nevada Attorney General's Office
- Alex Tancheck
- Miranda Hoover, Energy and Convenience Association of Nevada
- Candace Wells, Office of US Senator Rosen
- Deputy District Director Ishmael Carroll, Office of US House Representative Horsford
- David Watkowski, Clark County Business Licenses

I. **Call to Order:**

The meeting was called to order at 10:00 am by Deputy Administrator Ray Saliga. Deputy Administrator Saliga noted that the adoption hearing was properly noticed and was recorded. Deputy Administrator Saliga provided a summary of the proposed language and a review of the rulemaking process prior to and after the hearing. Deputy Administrator Saliga provided tips for participation using Microsoft Teams and instructions for speaking.

II. **Public Comment (1st period):** 10:07 am

Deputy Administrator Ray Saliga asked if anyone from the public wished to provide a comment for the record. No comments were received.

III. **Reading and Discussion of Proposed Regulations (for possible action)**

Deputy Administrator Saliga outlined the proposed changes with the goal of aligning state and federal definitions and regulations to maintain a federally compliant hemp program. Deputy Administrator Saliga asked for questions regarding these changes; no questions were received.

Deputy Administrator Saliga thanked the public and industry representatives for their participation, and stated that based on the input received, the Department will adopt R188-24.

IV. **Public Comment (2nd period):** 10:12 am

Deputy Administrator Ray Saliga asked if anyone from the public wished to provide a comment for the record.

Deputy District Director, Ishmael Carroll, Office of US House Representative Horsford provided a comment of general support and offer of assistance from his office.

V. Adjourn

Deputy Administrator Ray Saliga thanked the hearing attendees for their participation and adjourned the meeting at 10:14 am.

JOE LOMBARDO
Governor

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SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

LCB FILE No. R188-24

January 23, 2026
PROPOSED AMENDMENTS TO NAC CHAPTER 557

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 purpose of this proposed regulation is to align state and federal definitions to maintain a federally compliant hemp program within the state, which enables Nevada hemp to enter the national marketplace. Below are the results of a survey that was posted from January 5, 2026 to January 19, 2026 regarding proposed revisions to NAC 557.

- Of the total 27 survey respondents, 14 responded to the question asking if they are currently registered with the Nevada Department of Agriculture under the Industrial Hemp Program.
  - 2 respondents answered yes.
  - 12 respondents answered no.

- 14 respondents answered the question asking if they are a registered Grower, Handler, or Seed Producer.
  - 2 respondents answered that they are Growers.
  - 2 respondents answered that they are Handlers.
  - 2 respondents answered that they are Seed Producers.
  - 12 respondents answered with “other”.

- 5 survey respondents replied to the question asking if their business falls under the definition of a small business as defined by NRS233B.0382.:
  - 4 indicated that they fall under the definition of a small business, 1 did not.
  - Question regarding the number of employees their business has:
    - 3 respondents indicated that they have 1-15 employees.
    - 1 respondent indicated that they have 16-30 employees.
    - 1 respondent indicated that they have 46-60 employees.

- 3 survey respondents replied to the question asking if the proposed changes to NAC 557 would impact their ability to do business:
    - 2 respondents replied "no", 1 respondent replied with "unknown".

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

2. The manner in which the analysis was conducted.

The NDA launched the survey on January 5, 2026 and closed it on January 19, 2026. The survey was posted to NDA's website and social media accounts. In addition, it was distributed to an email list comprised of 9,134 recipients (2,616 of which opened the email), including past and current registered Growers, Handlers, and Seed Producers within the State of Nevada.

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

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

- Level of negative impact the proposed changes would have on their business (3 respondents responded):
    - 1 respondent indicated "No Impact".
    - 1 respondent indicated "Neither Positive nor Negative"
    - 1 respondent indicated "Severe Impact"

- One survey question asked the participants to select one or any part of the proposed revision that would have the most financial impact on their business:

Section 1: Updates the definition of "Total THC" to match Federal regulations.

Section 2: Includes the updated Total THC definition in section 1 to be included in Section 2 regarding words and terms defined in NAC 557.

Section 3: Includes "Total THC" in the definition for "Acceptable Hemp THC Level" and updates the definition to match the one ascribed in existing federal regulations.

Section 4: Updates "THC" to "Total THC" and adds the definition of "post-decarboxylation" to have the meaning ascribed to it in existing federal regulations.

Results:
Out of 3 respondents:

- *1 respondent selected all Sections (Sections 1, 2, 3, and 4).*
- *1 respondent answered "Section 1" only.*
- *1 respondent answered "Other" only.*

The responses to "Other, please specify" were:

- *"Test".*
- *"None of the Above".*

- When asked how these sections could be adjusted to mitigate their level of negative financial impact, 2 respondents answered. The answers are as follows:
    - "Test".
    - "No Regulation".

- One respondent provided feedback on what they would like us to consider in relation to the proposed changes to NAC 557:
    - "Test".

- 2 respondents stated the cost of the proposed changes would be $0, and 1 reported their annual impact to be between $1-$99.

- 2 survey respondents answered the question asking if they would need to make operational changes to their business because of the financial impact of proposed change:
    - Both respondents answered "No".

The NDA estimates minimal adverse effects and minimal direct or indirect impact on small businesses in Nevada due to the proposed regulation. The NDA estimates a small beneficial impact by enabling continued access to the national marketplace.

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 proposed changes update definitions to match those that are defined in existing federal regulations. The department does not foresee that the proposed regulation changes will have an impact on small businesses and hemp producers in Nevada.

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

These revisions will add minor administrative work such as communication with industry to notify them of the updated language in the regulations. No other estimated cost to the agency is anticipated.

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

The proposed 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.**

The proposed regulation references definitions in 7 C.F.R. § 990.1, creating concurrence between state and federal regulations. The NDA is required to maintain a USDA approved Hemp State Plan to enable hemp production and sale in Nevada pursuant to the 2018 Farm Bill. These changes are necessary to align state and federal definitions to maintain an approved Hemp State Plan. Although this regulation is current with federal regulation, the only entity enforcing the regulation is the State of Nevada through administration of the Nevada State Hemp Plan.

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

Impacts on Nevada small businesses are expected to be minimal, as this proposed regulation does not make any changes to the current acceptable THC level, testing, licensing, or inspection fees within the state hemp program. The small business impact survey respondents indicated they expect no impact, or an impact of less than $99 to their businesses.

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

J.J. Goicoechea
J.J. Goicoechea (Jan 26, 2026 11:50:27 PST)

J.J. Goicoechea, DVM
Director
Nevada Department of Agriculture

ADOPTED REGULATION OF THE

STATE BOARD OF PODIATRY

LCB File No. R193-24

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

AUTHORITY: § 1, NRS 635.030 and 635.130.

A REGULATION relating to podiatry; eliminating various provisions relating to proceedings before the State Board of Podiatry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedure for contested cases before regulatory bodies that issue occupational licenses, including the State Board of Podiatry. (NRS 233B.121-233B.150, 622A.300-622A.410, 635.159) Such procedure includes requirements governing: (1) the initiation of a contested case; (2) the consolidation of cases; (3) motions; (4) notice of hearings; (5) the effect of failure to appear at a hearing; (6) the order of a hearing; and (7) rehearing and reconsideration of the findings and recommendations or the final decision of the regulatory body. (NRS 233B.121, 622A.300, 622A.350, 622A.360, 622A.380, 622A.390, 635.159) This regulation eliminates duplicative provisions of the Nevada Administrative Code concerning procedure before the Board. This regulation also eliminates authorization for any person to petition the Board to appear at a hearing and be heard on any matter within the jurisdiction of the Board.

Section 1. NAC 635.100, 635.110, 635.120, 635.130, 635.150, 635.160, 635.170, 635.180, 635.190, 635.200, 635.210, 635.220, 635.230, 635.240, 635.250, 635.260, 635.270, 635.280, 635.290 and 635.330 are hereby repealed.

TEXT OF REPEALED SECTIONS

635.100 Appearance by members of Board's staff. (NRS 635.030) The members of the Board's staff may appear at any proceeding and participate as a party.

635.110 Appearance by party to proceeding. (NRS 635.030) A party who has not previously entered an appearance may do so at the beginning of a hearing, or at any time designated by the presiding officer, by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.

635.120 Service of documents; withdrawal of attorney. (NRS 635.030)

1. If a party is represented by an attorney, any document, other than a complaint or a notice of hearing which is required to be served upon any party, must be served upon his or her attorney. Service on the attorney is service upon the party.

2. If a party is not represented by an attorney, service by mail must be made to the last known address of the party.

3. An attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board and all parties to the proceeding of his or her withdrawal.

635.130 Error or defect in pleadings or proceedings. (NRS 635.030) The presiding officer shall, at every stage of any proceeding, disregard an error or defect in the pleading or proceeding which does not affect the substantial rights of the parties.

635.150 Complaints: Citations; joinder. (NRS 635.030, 635.130, 635.158)

1. Any statute, regulation or order referred to in a complaint must be accompanied by a complete citation to that statute, regulation or order.

2. Two or more persons filing a complaint with the Board may join in one complaint if their complaints are against the same person and deal substantially with the same violation of chapter 635 of NRS or of a regulation of the Board.

635.160 Decision to proceed with hearing; response to complaint. (NRS 635.030, 635.130, 635.158) If the Board, after reviewing a complaint, decides to proceed with a hearing, it will send a copy of the complaint to each person against whom the complaint is made. A response to the complaint must be filed within 20 days after receipt of the complaint.

635.170 Motions; oral argument. (NRS 635.030)

1. Unless it is made during a hearing, a motion must be made in writing. Each written motion must state the relief sought and the grounds for the motion.

2. A party opposing a motion may file with the Board a written response to it and serve a copy of the response on the party making the motion. The party who made the motion may file with the Board a written reply to the response and serve a copy of the reply on the party making the response.

3. If the Board requires oral argument it will set a date and time for hearing the argument.

635.180 Copies of pleadings, motions or other documents. (NRS 635.030, 635.158) Except for a complaint, an original and seven legible copies of each pleading, motion or other document related to the proceeding must be filed with the Board. The person filing any pleading or motion with the Board shall make a copy of it available to any other person who the Board determines is affected by the proceeding and who desires a copy.

635.190 Service of documents. (NRS 635.030, 635.158) Except for a complaint and the notice of a hearing, every document required to be served by or upon the Board or other party must be served personally or by mail. Service by mail shall be deemed complete when the document, properly addressed and stamped, is deposited in the United States mail.

635.200 Notice of hearing. (NRS 233B.121, 635.030) Except for the notice of hearing on a complaint, the Board will serve notice of a hearing at least 20 days before the day of the hearing. Any hearing which has been continued may be reconvened after a notice of at least 3 days.

635.210 Failure to appear at hearing. (NRS 635.030)

1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been required or granted, the Board will hear the testimony of the witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. If a person fails to appear at a hearing or to request a continuance of the hearing, he or she may, within 15 days after the date originally set for the hearing, apply to the Board to reopen the proceedings. If the Board finds sufficient cause, it will set a new time and place for the hearing. Any witness who has previously testified may be required by the Board to appear at the second hearing.

635.220 Commencement of proceedings. (NRS 635.030) The presiding officer shall call the proceeding to order, take the appearances and act upon any pending motions or petitions. The parties may then make opening statements.

635.230 Conduct of parties, counsel and spectators at hearing. (NRS 635.030) At a hearing before the Board, all parties, their counsel and any spectators shall conduct themselves in a respectful manner.

635.240 Order of hearing evidence. (NRS 635.030)

1. In a hearing before the Board, evidence will be heard in the following order:

(a) For an application or petition:

(1) From the applicant or petitioner.

(2) From a member of the Board's staff.

(3) From a party protesting the application or petition.

(4) Rebuttal by applicant or petitioner.

(b) For a complaint:

(1) From the complainant.

(2) From the respondent.

(3) Rebuttal by complainant.

(4) Rebuttal by respondent.

2. The presiding officer may:

(a) Modify the order of presentation for good cause; and

(b) Allow the parties to make closing statements.

635.250 Consolidation of proceedings. (NRS 635.030) The presiding officer may consolidate two or more proceedings if it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by the consolidation.

635.260 Stipulation. (NRS 635.030) With the approval of the presiding officer, the parties may stipulate to any fact at issue, either by a written stipulation introduced in evidence as an exhibit or by an oral statement shown upon the record. The presiding officer may require proof of the facts to which the parties stipulated.

635.270 Briefs: Time for filing; service upon parties. (NRS 635.030) The Board may request that briefs be filed within a specified time. A brief must be served upon all parties to the proceeding.

635.280 Informal hearing. (NRS 635.030) The Board may hold an informal hearing to mediate a controversy between two licensees or a licensee and a member of the Board's staff.

635.290 Rehearings. (NRS 635.030)

1. Within 15 days after the Board has made a decision or issued an order, a party aggrieved by the decision may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing. The Board will consider this petition within 30 days after receiving it. If no action is taken by the Board within the 30-day period, the petition shall be deemed denied.

2. The Board, on its own motion, may order a rehearing of its decision if its original decision was based on mistake or fraud.

3. The filing of a petition for a rehearing does not relieve the parties from complying with the original decision, unless the Board expressly so provides.

635.330 Petition to appear before the Board. (NRS 635.030, 635.130)

1. Any person may petition the Board to appear and be heard on any matter within the jurisdiction of the Board. The petition must contain a brief summary of the subject matter and the reason for bringing the matter before the Board.

2. Upon receipt of the petition, a member of the Board, as designated by the presiding officer, shall evaluate the petition to determine whether it requires a formal hearing and if a special meeting of the Board must be called for such a hearing.

3. If the petition states a:

(a) Ground for the revocation or suspension of a license or the probation of a licensee, the Board will inform the petitioner of the requirements for filing a formal complaint.

(b) Matter which is not a ground for the revocation or suspension of a license or the probation of a licensee, the matter will be placed on the agenda of the next regularly scheduled meeting.

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 635.

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

regulation.

This regulation is necessary to comply with Executive Order 2023-003 and eliminate regulations in NAC chapter 635 that are no longer needed or useful.

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 email to persons who were known to have an interest in the subject as they were licensees of the board. These documents were also made available on the Board's website and at the Board office.

The notice of intent to act upon the regulations was posted on the Nevada Public Notices Website and Administrative Regulation Notices at LCB and posted at the Nevada State Library, Archives and Public Records, 100 North Stewart Street, Carson City, NV 89701.

The Nevada State Board of Podiatry began implementing EO 2023-003 by holding a public hearing on March 6, 2023, to rank the regulations for removal from NAC Chapter 635 to meet the Governor's EO 2023-003. The proposed documents and notice were posted at the Board's office, emailed to all licensees, posted on its website, and the public notice website. Two members of the public attended but did not make a comment.

On March 18, 2024, the Nevada State Board of Podiatry reviewed the regulations which were derived from the comments taken in the March 6, 2023 meeting and voted to hold a workshop at its June 17, 2024 meeting.

On June 17, 2024, the Nevada State Board of Podiatry held a workshop on the regulations it was proposing. The proposed notice and regulations were posted to the Board's office, website, notice board, LCB notice board and all licensees. No members of the public appeared and no written comments were received.

On March 9, 2026, the Nevada State Board of Podiatry held a public hearing on R193-24. The Notice of Intent to Act Upon a Regulation and regulation was posted to the Board's office, the Board's website, the Nevada public notice website, and at the Board's office. Posted at State Library, Archives and Public Records, Nevada Legislature's website and all licensees. No members of the public appeared and no written comments were received.

Interested persons may obtain a copy of the summary of the Board's proceedings by contacting Carolyn Cramer, Executive Director, Nevada State Board of Podiatry, 6170 Mae Anne Ave., Ste. 1, Reno, Nevada 89523 / Telephone: (775) 746-9424 / Fax: (775) 746-4105 / Email: nvpodiatry@bop.nv.gov.

3. The number persons who:

(a) Attended each hearing: March 6, 2023-2; March 18, 2024-0; June 17, 2024-0; and March 9, 2026-0.

(b) Testified at each hearing: March 6, 2023-0; March 18, 2024-0; June 17, 2024-0; and March 2026-0.

(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. 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. Licensees were contacted by email. No comments were made.

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 regulations to be removed.

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.
The regulations to be removed already exist in NRS chapters 233B and 622A. The beneficial effects are to streamline the Board's regulations. The adverse effect is the specific removal from the practice act will mean using other statutes and regulations.

(b) Both immediate and long-term effects. The immediate effect will be a simplification of NAC chapter 635. The long-term effect is the same.

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 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

SMALL BUSINESS IMPACT STATEMENT REGARDING A REGULATION PROPOSED BY THE NEVADA STATE BOARD OF PODIATRY (LCB NO. R193-24P)

Pursuant to NRS 233B.0608(1), the Nevada State Board of Podiatry is required to determine whether its proposed regulations, known as LCB R193-24P, will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employees 150 or fewer employees. Most of Nevada's sites at which podiatric medicine is practiced qualify as small businesses.

Pursuant to NRS 233B.0609, the Board provides the following information:

(1) A Description of the Manner in Which Comment Was Solicited from Affected Small Businesses, a Summary of Their Responses, and an Explanation of the Manner in Which Other Interested Persons May Obtain a Copy of the Summary.

On March 6, 2023, the Board held a workshop at its regular meeting regarding the draft language. All licensed podiatric physicians were noticed by email of the workshop and proposed language. Comments were taken from the public attending the meeting offering comments and the Board members modified the language, voting to remove any consideration of repealing the residency language. On June 17, 2024, the Board held a second workshop on the amended proposed language. All podiatric physicians and podiatry hygienists were notified of the amended proposed language and second workshop by email. No public comment was offered during the workshop and no written comments were received regarding the language that ultimately became R193-24P. No participant in any of the discussions presented any evidence or argument that the proposed draft would have a positive or negative impact on small businesses.

On September 23, 2024, the Board sent the proposed regulations for reduction to LCB. On August 11, 2025, the Board reviewed the draft language LCB R193-24P and moved to schedule the matter for public hearing. On March 9,2026 the Board held a regulation hearing regarding R193-24P at its office in Reno, Nevada and via Zoom. Copies of the Notice of Hearing and the proposed text of R193-24P were e-mailed to all of the Board's licensees for whom the Board had e-mail addresses and mailed to all people who have sought such public documents pursuant to the Nevada Open Meeting Law. The Board sent the Notice of Hearing and proposed text of R193-24P to a total of 204 people. At the hearing, no member of the public commented and no written comments regarding R193-24P were received. No participant in any of the discussions presented any evidence or argument that the proposed drafts would have a positive or negative impact on small businesses. The regulation was passed unanimously without amendment.

Interested persons may obtain a copy of the summary of the Board's proceedings by contacting Carolyn Cramer, Executive Director, Nevada State Board of Podiatry, 6170 Mae Anne Ave., Ste. 1, Reno, Nevada 89523 / Telephone: (775) 746-9424 / Fax: (775) 746-4105 / Email: nvpodiatry@bop.nv.gov.

(2) The Manner in Which the Analysis Was Conducted.

The Board's licensees already had several hearings regarding the Executive Order 2023-003 and the regulations that were being presented to comply with the Governor's order. Because the Board received no testimony that addressed any positive or negative impact the regulation would have on small business, the Board surmised that the regulation would have no negative impact on small businesses.

(3) The Estimated Economic Effect of the Proposed Regulation on the Small Businesses Which It Is to Regulate, Including, Without Limitation, Both the Adverse and Beneficial Effects and Both Direct and Indirect Effects.

The Board's own analysis, coupled with the lack of input pertaining to possible economic effects received from licensees or others, indicates the proposed regulation will have neither adverse nor beneficial economic effects, either direct or indirect, on Nevada's podiatry practices.

(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.

During its deliberations, the Board did not identify any potential economic effects of the proposed regulations on small businesses and none of the input supplied by licensees in attendance at the meetings pertained to potential positive or negative economic effects on small businesses. Due to lack of potential economic impact, the consideration of methods to reduce such impact was unnecessary.

(5) The Estimated Cost to the Agency for Enforcement of the Proposed Regulation.

The Board determined there will be no additional costs associated with enforcement of the 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.

The proposed regulation does not propose any change in any 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 proposed regulation change does not duplicate and is not more stringent than any federal, state, or local standards regulating the Board's licensees.

(8) The Reasons For the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.

The Board is confident its proposed regulation will not have an impact on small businesses, namely on Nevada's podiatry practices. The Board did not identify any potential economic effects during its own deliberations and did not receive any such input

from any of the licensees or other interested people who were sent notice of the proposed regulations. Based upon this lack of response from any of the 204 people notified, and upon the Board successfully addressing the comments received at the various discussions and considerations in the proposed reduction of regulations was required by the Governor's Executive Order 2023-003, the Board determines the following to be the answers to the concerns raised in NRS 233B.0607(1):

(1) Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon Small Businesses?

The Board has determined the regulation will have no direct or significant economic burden upon small businesses, namely podiatry practices.

(2) Will the Proposed Regulation Directly Restrict the Formation, Operation or Expansion of a Small Business?

The Board has determined the regulation will not restrict the formation, operation, or expansion of small businesses, namely podiatry practices.

Pursuant to NRS 233B.0608(3) and 233B.0309(2), I hereby certify that to the best of my knowledge and belief, the Board conducted a concerted effort as described above to determine the impact of the proposed regulation on small businesses, namely on podiatry practices in Nevada. The information contained in this statement was prepared properly and contains accurate information regarding all such efforts and the Board's determination based thereon.

Signed and effective this 27th day of May, 2026.

Carolyn J. Cramer, Executive Director
Nevada State Board of Podiatry

2025

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

JUNE 30, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2025 REGULATIONS		
R015-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions governing social and environmental factors that affect the educational experience of pupils **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R020-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to schedules and tournaments **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**
R021-25	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising various provisions relating to interscholastic activities **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**
R039-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions allowing the Superintendent to remove or update endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R070-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements to teach JROTC **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R076-25	**387/388**	**STATE BOARD OF EDUCATION** A REGULATION revising various provisions relating to open enrollment and transportation **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R077-25	**387/389**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to programs **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R079-25	**387/388/389/390**	**STATE BOARD OF EDUCATION** A REGULATION revising various provisions relating to education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R082-25	**388**	**STATE BOARD OF EDUCATION** A REGULATION establishing requirements relating to model plans for crisis, emergency and suicide **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R092-25	**633**	**STATE BOARD OF OSTEOPATHIC MEDICINE** A REGULATION revising provisions relating to licensure **CONTACT Frank DiMaggio (702) 732-2147 x233** **fdimaggio@bom.nv.gov**
R094-25	**640A**	**BOARD OF OCCUPATIONAL THERAPY** A REGULATION revising various provisions relating to licensees and temporary licenses **CONTACT Heather Hartley (775) 746-4101** **board@nvot.org**
R097-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to audiological services **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R101-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to apprentice licenses **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R105-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising requirements for endorsement as a music therapist **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R106-25	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to homeopathic physicians **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R109-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements to serve as a school psychologist **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R110-25	**618**	**DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY** A REGULATION revising various provisions relating to occupational safety **CONTACT Amber Williams (702) 486-9072** **amwilliams@dir.nv.gov**
R115-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to education personnel **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R116-25	**449**	**STATE BOARD OF HEALTH** A REGULATION establishing provisions relating to rehabilitative residential mental health care (AB 514, 2025) and licensing (AB 544, 2025) **CONTACT Faythe Baltisberger (775) 684-4217** **sbaltisberger@health.nv.gov**

R015-25

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R015-25

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

AUTHORITY: § 1, NRS 388.900.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing body of each charter school to annually review and identify the social and environmental factors that affect the educational experience of certain pupils and to annually submit to the Department of Education a report concerning those factors; requiring the Department to provide certain data sources and a standard reporting template to each school district and charter school; requiring the Department to post certain information on its Internet website; requiring certain governmental entities and persons to consider certain factors when making decisions concerning a school or interacting with and making decisions concerning the staff of a school or pupils enrolled at a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that require the board of trustees of each school district and the governing body of each charter school to identify the social and environmental factors that affect the educational experience of pupils at each school in the school district or each charter school governed by the governing body, as applicable. Existing law also requires the State Board to adopt regulations requiring the Department of Education, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider those factors when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school. (NRS 388.900) Existing federal law requires a school district, in order to be eligible for certain grants from the federal government, to prepare and submit to the Department a plan to improve the achievement of pupils enrolled in the schools within the school district. (20 U.S.C. § 6312)

This regulation requires the board of trustees of each school district and the governing body of each charter school to annually review and identify the social and environmental factors affecting the educational experience of pupils at each school in that school district or each charter school governed by the governing body, as applicable, which may include, without limitation: (1) housing stability; (2) food security; (3) poverty and employment; (4) transportation access; (5) access to health care; (6) community safety; (7) the prevalence of trauma; and (8) the unique needs and characteristics of the community served by the school district or charter school.

This regulation further requires the board of trustees of each school district and the governing body of each charter school to submit to the Department, at the same time as the annual submission by a school district of a plan to improve the achievement of pupils enrolled in the schools within the school district pursuant to existing federal law, a report identifying such social and environmental factors.

This regulation also requires the Department to: (1) annually provide a list of not more than three publicly available, credible data sources for each identified social and environmental factor to each school district and charter school; (2) provide a standard reporting template to each school district and charter school; and (3) post such a list and reporting template on the Internet website of the Department. Finally, when making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, this regulation requires the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider the social and environmental factors identified in the report and any mitigating factor that serves to protect pupils against or reduce the harm caused by those social and environmental factors.

Section 1. Chapter 388 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 shall annually review and identify the social and environmental factors that affect the educational experience of pupils at each school in the school district or the charter school, as applicable, using the list provided by the Department pursuant to paragraph (a) of subsection 3, and submit a report on such factors to the Department. Such factors may include, without limitation:

(a) Housing stability;

(b) Food security;

(c) Poverty and employment;

(d) Transportation access;

(e) Access to health care;

(f) Community safety;

(g) The prevalence of trauma; and

(h) The unique needs and characteristics of the community served by the school district or charter school.

2. Each school district and charter school shall submit to the Department the report required pursuant to subsection 1 at the same time as any annual submission by a school district of a plan to improve the achievement of pupils enrolled in the schools within the school district would be required pursuant to 20 U.S.C. § 6312, regardless of whether such a plan is required to be submitted pursuant to that section. The requirement of the report in subsection 1 may be fulfilled by:

(a) Completing the standard reporting template provided by the Department pursuant to paragraph (b) of subsection 3; or

(b) Submitting a document that references any relevant section of the plan to improve the achievement of pupils enrolled in the schools within the school district which addresses the requirements of subsection 1.

3. To facilitate compliance with this section and NRS 388.900, the Department shall:

(a) Annually provide a list of not more than three publicly available, credible data sources for each social and environmental factor specified in subsection 1 to each school district and charter school;

(b) Provide a standard reporting template to each school district and charter school; and

(c) Post the most recent list described in paragraph (a) and the template described in paragraph (b) on the Internet website of the Department.

4. When making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, the Department, the board of trustees of each school district, the governing body of each charter school and the staff of

each public school shall consider the social and environmental factors identified pursuant to subsection 1 and any mitigating factor.

5. As used in this section, "mitigating factor" means a condition, resource, relationship or other factor in the community served by a school that protects pupils from or reduces the potential adverse impact of social and environmental factors, and which may include, without limitation:

(a) Stable or supportive family and caregiver relationships;

(b) Community-based services that provide health, mental health, housing or social support;

(c) A positive school climate and evidence-based tiered supports;

(d) Access to before-school and after-school programming; and

(e) Organizations that serve youth, community partnerships or cultural strengths that enhance resilience.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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NEVADA DEPARTMENT OF EDUCATION

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R015-25, Adopted by the Nevada State Board of Education
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:**
   Pursuant to requirements in SB267 (2019) and NRS 388.900, the Department is required to adopt regulations pertaining to the social and environmental factors impacting the student experience.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R015-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small

businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
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
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 R015-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:01 PM** on **Wednesday, April 22, 2026,** 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:** SB267 (2019) created NRS 388.900, requiring the Department to adopt regulations pertaining to the social and environmental factors impacting the student experience.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides a framework for evaluating the social and environmental factors that impact the student experience.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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

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STATE OF NEVADA
STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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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 **Wednesday, August 13, 2025** is 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:

2:00 PM Workshop to Solicit Comments on Proposed Amendments to R015-25, formerly R144-22; NAC 388.XXX — To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience.

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, 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: June 14, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to **NAC Chapter 388.XXX**.

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 identification of environmental factors that affect the educational experience of students 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

ADOPTED REGULATION OF THE

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R020-25

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

AUTHORITY: §§ 1-7, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions relating to tournaments for sanctioned sports; revising provisions relating to the schedule of events for a sanctioned sport; revising the penalties for certain violations of regulations of the Nevada Interscholastic Activities Association; clarifying that certain prohibitions against participating in an athletic event apply whether the event is held in this State or another state; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to: (1) control, supervise and regulate all interscholastic athletic events in public schools; and (2) adopt rules and regulations governing those events. (NRS 385B.050, 385B.060) Existing regulations prescribe requirements for local, regional and state tournaments for sanctioned sports. (NAC 385B.610-385B.640) **Section 2** of this regulation adopts by reference the standards for athletic sanctioning established by the National Federation of State High School Associations. **Section 2** also requires the Executive Director of the Association or his or her designee to periodically review these standards and determine whether any change is appropriate for application in this State.

Section 3 of this regulation prohibits a school that participates in a sanctioned sport from attending or participating in a tournament for the sport unless the tournament is sponsored by the Nevada Interscholastic Activities Association or sanctioned by: (1) the National Federation of State High School Associations, if required by the standards adopted in **section 2**; or (2) the Nevada Interscholastic Activities Association, if such sanctioning is not required. **Section 3** further: (1) requires a school to submit certain information concerning a tournament not less than 24 hours before the start of the tournament; (2) prohibits a school from participating in any out-of-season tournament for a sanctioned sport unless an exception applies; and (3) authorizes the Nevada Interscholastic Activities Association to impose certain penalties for violations of these requirements and restrictions. **Section 4** of this regulation prescribes the procedure for a school to apply for the sanctioning of a tournament by the Association and imposes certain requirements relating to the review and approval of such an application.

Existing regulations require each school to establish a schedule of events for each season for a sanctioned sport in which the school participates and to submit a copy of the schedule to the Nevada

Interscholastic Activities Association within a prescribed period. (NAC 385B.302) **Section 5** of this regulation requires a school to include all league, non-league and tournament games, contests or meets in the schedule of events for a sanctioned sport. **Section 5** also eliminates a requirement that the Association impose a fine of $100 against a school that fails to submit a schedule within the prescribed period. Instead, **section 5** provides that a school that violates the requirements of **section 5** is subject to the penalties that the Association is otherwise authorized to impose for violations of its regulations, including fines, sanctions, probation or suspension. (NAC 385B.960)

With certain exceptions, existing regulations prohibit a school from conducting or participating in certain athletic events with a school that is ineligible under the athletic association of its state or that is not a member or affiliate member of the Nevada Interscholastic Activities Association. (NAC 385B.308, 385B.310) **Sections 6 and 7** of this regulation clarify that these prohibitions apply whether the event is held in this State or another state. **Sections 6 and 7** further provide that a school that violates these provisions is subject to the penalties that the Association is otherwise authorized to impose for violations of its regulations, including fines, sanctions, probation or suspension. (NAC 385B.960)

Section 1. Chapter 385B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. The Association hereby adopts by reference the standards for athletic sanctioning established by the National Federation of State High School Associations in Article 17 of the National Federation of State High School Associations Constitution. A copy of those standards is available, free of charge, at the Internet address https://nfhs.org/stories/publications.***

2. The Executive Director or a designee thereof shall periodically review the standards for athletic sanctioning adopted by reference in subsection 1 and determine within 30 days after the review whether any change made to the standards is appropriate for application in this State. If the Executive Director or designee does not disapprove a change to the standards within 30 days after the review, the change is deemed to be adopted by the Association.

Sec. 3. ***1. A school that participates in a sanctioned sport shall not attend or participate in a tournament for the sanctioned sport unless the tournament is:***

(a) Sponsored by the Association; or

(b) Sanctioned by:

(1) The National Federation of State High School Associations, if required by the standards for athletic sanctioning adopted by reference in section 2 of this regulation; or

(2) The Association, if sanctioning by the National Federation of State High School Associations is not required by those standards.

2. Not less than 24 hours before the start of a tournament, a school shall submit to the Association:

(a) The format of the tournament;

(b) The date and time of each event in the tournament; and

(c) The name of each team participating in the tournament.

3. Except as otherwise provided in NAC 385B.371, a school shall not participate in any out-of-season tournament for a sanctioned sport.

4. Any violation of the provisions of this section may result in the imposition of the penalties set forth in NAC 385B.960.

5. As used in this section, "tournament" means a series of games, contests, meets or similar athletic events involving teams or pupils who participate in a sanctioned sport, including, without limitation, an invitational, exhibition, shootout, showdown or similar event.

Sec. 4. *1. An application for the sanctioning of a tournament by the Association must be:*

(a) Submitted using a process approved by the Association not later than 30 days before the date on which the tournament begins; and

(b) Accompanied by:

(1) A copy of each regulation or rule applicable for conducting the tournament;

(2) Proof of liability insurance;

(3) A list setting forth the name of each state, school or group that is invited to attend the tournament; and

(4) Any other information required by the Association.

2. As soon as reasonably practicable after receiving an application, the Executive Director or a designee thereof shall:

(a) Review the application; and

(b) Provide written notice to the applicant and each member school of his or her approval or denial of the application.

3. As used in this section, "tournament" means a series of games, contests, meets or similar athletic events involving teams or pupils who participate in a sanctioned sport, including, without limitation, an invitational, exhibition, shootout, showdown or similar event.

Sec. 5. NAC 385B.302 is hereby amended to read as follows:

385B.302 1. Each school shall establish a schedule of events for each season for a sanctioned sport in which the school participates. ***The schedule must include all league, non-league and tournament games, contests or meets for the sanctioned sport during the season.*** After establishing the schedule, the school shall submit a copy of the schedule to the Association ***using a process approved by the Association*** not later than:

(a) June 15 of each year, if the schedule is established for a sanctioned sport that is conducted during the fall of that year;

(b) September 15 of each year, if the schedule is established for a sanctioned sport that is conducted during the winter of that year; or

(c) January 15, if the schedule is established for a sanctioned sport that is conducted during the spring of that year.

2. ***A school shall notify the Association of any change in the information contained in a schedule submitted pursuant to subsection 1 as soon as reasonably practicable after knowledge of the change.***

3. The Association will impose a penalty ~~[of $100]~~ against each school that ~~[fails to submit to the Association a schedule for a sanctioned sport within]~~ ***violates*** the ~~[periods prescribed]~~ ***provisions of this section*** in ~~[subsection 1.]~~ ***accordance with NAC 385B.960.***

Sec. 6. NAC 385B.308 is hereby amended to read as follows:

385B.308 ***1.*** A school shall not conduct ~~[a]~~ ***or engage in any*** game, contest or meet with any school that is located in another state if that school is suspended or ***otherwise*** prohibited from participating in the authorized athletic association of that state ~~[.]~~ ***, regardless of whether the game, contest or meet is conducted in this State or in another state.***

2. Any violation of the provisions of this section may result in the imposition of the penalties set forth in NAC 385B.960.

Sec. 7. NAC 385B.310 is hereby amended to read as follows:

385B.310 ***1.*** A school shall not, without the approval of the Executive Director, engage in any game, contest, meet or tournament with another school if that school:

~~[1.]~~ ***(a)*** Is not a member school ***,*** ~~[or]~~ an affiliate school of the Association ~~[,]~~ ***or a member of the authorized athletic association of the state in which the school is located;*** or

~~[2.]~~ ***(b)*** Has been suspended or expelled from the athletic association of the state in which the school is located.

2. The provisions of subsection 1 apply regardless of whether the game, contest, meet or tournament is conducted in this State or in another state.

3. Any violation of the provisions of this section may result in the imposition of the penalties set forth in NAC 385B.960.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R020-25

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 adopts by reference the standards established by the National Federation of State High School Associations ("NFHS") for the sanctioning of tournaments and ensures those standards are periodically reviewed by the NIAA. Because the NIAA is a member of the NFHS, compliance with those standards is necessary to maintain membership and ensure consistency in interscholastic governance. The regulation also establishes consistent oversight and reporting requirements for contests, tournaments, and scheduling to ensure member schools comply with state and national participation standards regardless of contest location.

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 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 emailed 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

On April 30, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board

of Control at a board meeting held on June 3, 2025, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 3, 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 21 day of April, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi

Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 June 3, 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 adopts by reference the standards for sanctioning of tournaments as established by the National Federation of State High School Associations ("NFHS"), while also ensuring these standards are periodically reviewed by the NIAA.
   (b) The regulation also prohibits a school from participating in a tournament that is not sponsored by the NIAA or sanctioned by NFHS, if applicable. The regulation also requires schools to submit to the NIAA all information pertaining to any tournaments participated in with violations resulting in penalties pursuant to NAC 385B.960.
   (c) The regulation also requires schools to submit an application for sanctioning a tournament using a process approved by the NIAA, which includes the applicable regulations and rules for conducting the tournament, proof of liability insurance, and a list of each school and its state that is invited to attend.
   (d) The regulation also contains revisions to NAC 385B.302 adding specifics regarding a completed schedule submission to the NIAA that includes all league, non-league, and tournament contests. Schools must notify the NIAA of any changes to the schedule within a responsible amount of time. Schools who violate this regulation are subject to penalties pursuant to NAC 385B.960.
   (e) The regulation also revises NAC 385B.308 to include language regarding the prohibition of participating in sanctioned sports against any school that is suspended or prohibited from participating in their respective state athletic association, regardless if the contest is conducted in this state or another. Schools who violate this regulation are subject to penalties pursuant to NAC 385B.960.

(f) The regulation also revises NAC 385B.310 to include language regarding the prohibition of participating against schools that are not members of their respective state athletic association, regardless if the contest is conducted in this state or another. Schools who violate this regulation are subject to penalties pursuant to NAC 385B.960.

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 May 27, 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 April 30, 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. 020-25

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. A copy of the summary may be obtained by contacting csgroi@niaa.com.

2. **The manner in which the analysis was conducted.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R021-25

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

AUTHORITY: §§ 1-3 and 5-20, NRS 385B.060; § 4, NRS 385B.060 and 385B.090.

A REGULATION relating to interscholastic activities; revising provisions governing eligibility to participate in a sanctioned sport; providing certain penalties for persons engaged in athletic recruitment; revising provisions relating to the submission of an initial roster for a sanctioned sport; requiring a school to update the roster if certain information included in the roster is changed; creating procedures for an appeal submitted to a school district; revising provisions governing appeals submitted to the Executive Director of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060)

Existing regulations provide that a pupil who transfers to another school and who does not qualify for immediate eligibility under existing law is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 11** of this regulation: (1) revises this presumption by providing that it applies only if the pupil's name appeared on a roster of the Association during the preceding 180 school days; (2) makes the presumption applicable to both pupils who transfer to another school and pupils who enroll in a school for the first time; and (3) authorizes a pupil, parent or legal guardian to apply for a waiver of the presumption. **Section 2** of this regulation sets forth requirements for the submission and approval of an application for such a waiver and provides that a pupil to whom the Association grants a waiver is eligible to participate in any sanctioned sport.

Section 3 of this regulation creates a separate, nonwaivable presumption of ineligibility that applies to a pupil who enrolls in a school for the first time or transfers to another school if, during the year immediately preceding the date of enrollment or transfer, the pupil: (1) participated in an athletic event as a member of a team affiliated with the school in which the pupil enrolls or to which the pupil transfers; or (2) received athletic instruction from a person affiliated with such a school.

Existing law provides that certain pupils who transfer to a school are immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school. (NRS 385B.130) **Section 5** of this regulation requires a pupil who qualifies for immediate eligibility to notify the Association, using a process approved by the Association, of the applicable eligibility criterion.

Existing law prohibits certain persons from engaging in athletic recruitment and pupils from transferring to or enrolling in a school as the result of athletic recruitment. Existing law also sets forth certain penalties for such actions. (NRS 385B.225) Existing regulations authorize the Association to impose additional penalties for violations of chapter 385B of NAC. (NAC 385B.960) **Section 6** of this regulation revises prohibitions against athletic recruitment to provide that a person who commits certain actions is subject to such additional penalties.

Existing regulations prescribe certain requirements relating to the registration of a pupil with the Executive Director of the Association and the submission of an initial roster for each sanctioned sport. (NAC 385B.702) **Section 7** of this regulation revises provisions governing registration by: (1) replacing the requirement that registration be completed on a form approved by the Executive Director with a requirement that registration be completed through a process approved by the Association; and (2) eliminating the requirement that a pupil register separately for each sanctioned sport during a school year. **Section 7** also revises provisions governing rosters by: (1) eliminating the requirement that an initial roster be mailed or transmitted by facsimile; (2) requiring that an initial roster include the jersey number and assigned position of each pupil under certain circumstances; (3) requiring a school to update the roster whenever information changes; and (4) providing that a school that fails to comply with requirements governing the submission or updating of rosters is subject to certain penalties imposed at the discretion of the Association.

Section 8 of this regulation eliminates certain stipulations that a school district must adhere to if the school district adopts additional requirements for eligibility that are stricter than those set forth by the Association. (NAC 385B.704)

Section 9 of this regulation: (1) provides that a pupil enrolled in a school based on a residential affidavit, rather than an affidavit of residency, is not eligible to participate in any sanctioned sport at the school for 180 days; and (2) defines the term "residential affidavit" for the purposes of **section 9**. **Section 9** additionally provides that, in addition to a pupil who begins ninth grade at a private school, a pupil who begins ninth grade at a charter school, magnet school or vocational or technical school that serves all pupils located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the applicable school. (NAC 385B.712)

Existing regulations provide that a pupil who establishes eligibility to participate in a sanctioned sport using certain evidence and, within 1 year after doing so, reestablishes a residence in his or her former school district or zone of attendance, is ineligible to participate in interscholastic activities for 180 school days unless the pupil complies with certain provisions. (NAC 385B.714) **Section 10** of this regulation revises the type of evidence that may be submitted by a pupil or his or her parent or legal guardian to establish such eligibility.

Section 12 of this regulation revises provisions governing the rebuttal of certain presumptions of ineligibility by requiring proof that the parent who has physical custody of the

pupil, rather than legal custody, resides within the applicable zone of attendance. **Section 12** also eliminates provisions that: (1) exempt a school district from complying with certain requirements; and (2) authorize a school district to request approval to deviate from regulations adopted by the Association. (NAC 385B.718)

Existing regulations require a pupil to attend the school located in the zone of attendance of the residence of the pupil to be eligible to participate in a sanctioned sport, unless an exception applies. (NAC 385B.712) Under existing regulations, one such exception provides that a pupil who does not reside within the zone of attendance of a magnet school or a vocational or technical school located within a school is eligible to participate in any sanctioned sport at the school. (NAC 385B.722) **Section 13** of this regulation eliminates this exception and instead authorizes a pupil who, after enrolling in grade 9, attends such a school to apply for a waiver of the requirement. **Section 13** also sets forth the requirements governing the submission and approval of an application for such a waiver.

Section 14 of this regulation eliminates provisions governing the eligibility of a homeschooled child to participate in a sanctioned sport after withdrawing from a school in which the child was enrolled. (NAC 385B.734)

Section 15 of this regulation clarifies that certain provisions governing the eligibility of siblings to participate in a sanctioned sport apply to pupils enrolled in public school. **Section 15** also authorizes a pupil who resides in an area affected by a change in the zone of attendance of a school to transfer from one school to another school under certain circumstances. (NAC 385B.736)

Existing regulations: (1) prohibit a pupil from practicing or participating in any sanctioned sport for more than one school during a season; and (2) authorize the Executive Director to waive this prohibition under certain circumstances. (NAC 385B.740) **Section 16** of this regulation revises the circumstances under which the Executive Director may grant such a waiver.

Section 17 of this regulation expands the circumstances under which a pupil who is ineligible to participate in a sanctioned sport because of a transfer may reestablish eligibility. (NAC 385B.742)

Existing regulations authorize a pupil who wishes to transfer schools to apply for a waiver from eligibility requirements. (NAC 385B.744) **Section 18** of this regulation specifies: (1) the circumstances under which a pupil may apply for such a waiver; (2) the eligibility requirement that may be waived; and (3) the procedures for submitting and approving an application.

Section 20 of this regulation repeals provisions governing the eligibility of: (1) pupils who obtain a waiver to attend a magnet school or a vocational or technical school that is located within a school; and (2) pupils who are assigned to option-zoned schools. (NAC 385B.720, 385B.728)

Existing law requires the rules and regulations of the Association to provide for adequate review procedures for disputes concerning the decisions and activities of the Association. (NRS 385B.090) Existing law additionally: (1) provides that a pupil or school aggrieved by a final decision or order made pursuant to a regulation adopted by the Association may appeal the decision or order to the Executive Director; and (2) authorizes a pupil or school that is aggrieved

by a decision or order made pursuant to such an appeal to further appeal to the school district within which the pupil is enrolled or the school is located. (NRS 385B.100) **Section 4** of this regulation sets forth the procedures that a school district, or a person designated by the school district to hear such an appeal, must follow. **Section 19** of this regulation revises provisions governing appeals submitted to the Executive Director. (NAC 385B.910)

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. A pupil who enrolls in a school for the first time or who transfers from one school to another school or a parent or legal guardian of the pupil may apply to the Association for a waiver of the presumption of ineligibility set forth in NAC 385B.716.***

2. An application submitted pursuant to subsection 1 must be submitted using a process approved by the Association. A pupil or a parent or legal guardian of the pupil may not apply more than once for a waiver pursuant to this section.

3. The Association will approve an application submitted pursuant to subsection 1 if the pupil:

(a) Complies with any applicable policies or regulations of the Association and the school district in which the school attended by the pupil is located;

(b) Has not previously been deemed immediately eligible pursuant to the provisions of paragraphs (b) or (c) of subsection 2 of NRS 385B.130; and

(c) Has not previously received a waiver pursuant to this section.

4. If the Association approves an application submitted pursuant to subsection 1, the pupil is eligible to participate in any sanctioned sport.

5. Any subsequent transfer of a pupil to whom the Association grants a waiver pursuant to this section is subject to the presumption of ineligibility set forth in NAC 385B.716.

Sec. 3. *1. Except as otherwise provided in subsection 2, a pupil who enrolls in a school for the first time or who transfers from one school to another school is ineligible to participate in any sanctioned sport at the school in which the pupil enrolls or to which the pupil transfers for 180 school days if, within the year immediately preceding the date of enrollment or the date of transfer, the pupil:*

(a) Participated in an athletic event as a member of a team that is affiliated with the school in which the pupil enrolls or to which the pupil transfers, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or

(b) Received any athletic instruction from a person who is affiliated with the school in which the pupil enrolls or to which the pupil transfers.

2. A pupil will not be deemed ineligible pursuant to subsection 1 if the pupil enrolls in a high school for the first time after attending a middle school or junior high school that serves as a feeder school for the high school.

3. As used in this section, "feeder school" means a middle school or junior high school identified by a school district as a feeder school for a high school located within the school district based upon the number of pupils who enroll in the high school after completing grade 8 at the feeder school.

Sec. 4. *1. An appeal made pursuant to subsection 4 of NRS 385B.100 must be conducted pursuant to this section. Such an appeal must be:*

(a) Conducted in accordance with the provisions of chapter 233B of NRS relating to contested cases;

(b) Except as otherwise provided in subsection 2, closed to the general public; and

(c) Recorded on audiotape.

2. A pupil who is at least 18 years of age and who files an appeal pursuant to this section is entitled to have any hearing conducted concerning the appeal open to the general public.

3. Each party to an appeal may present a closing argument after the submission of evidence at any hearing concerning the appeal that is conducted pursuant to this section.

4. A school district shall notify the Executive Director of the employee of the school district or the person designated by the school district to hear the appeal. Such a person shall:

(a) After the submission of the evidence and the presentation of any closing arguments, declare the hearing closed; and

(b) Within 10 days after closing the hearing, prepare findings of fact and conclusions of law and submit his or her decision to:

(1) The Executive Director;

(2) The legal counsel representing the Association; and

(3) Each party to the appeal.

5. The decision issued pursuant to subsection 4 is final and binding and may not be appealed.

Sec. 5. *A pupil who qualifies for immediate eligibility pursuant to NRS 385B.130 must notify the Association, using a process approved by the Association, of the criterion satisfied to obtain such eligibility.*

Sec. 6. NAC 385B.342 is hereby amended to read as follows:

385B.342 1. A person shall not recruit or attempt to recruit a pupil to participate in a sanctioned sport ~~[.]~~ ***in accordance with the provisions of NRS 385B.225.***

2. A pupil who is recruited in violation of a provision of this section is ***, in addition to the penalties prescribed in NRS 385B.225,*** ineligible to participate in a sanctioned sport ***at any other school*** for not less than one semester and not more than 180 school days as determined by the Executive Director.

3. A school that violates the provisions of subsection 1 ~~[may be fined and placed on probation for 1 year]~~ ***:***

(a) Will be subject to penalties in accordance with the provisions of ~~[NAC 385B.960.]~~ ***NRS 385B.225; and***

(b) May be subject to penalties in accordance with the provisions of paragraphs (a), (b) and (d) of subsection 1 of NAC 385B.960.

4. A coach who violates the provisions of subsection 1 ~~[may be suspended for 2 years]~~ ***:***

(a) Shall be subject to penalties in accordance with the provisions of ~~[NAC 385B.960.]~~ ***NRS 385B.225; and***

(b) Shall be subject to penalties in accordance with the provisions of paragraphs (a) and (b) of subsection 1 of NAC 385B.960.

Sec. 7. NAC 385B.702 is hereby amended to read as follows:

385B.702 1. A school shall ensure that each pupil who attends the school registers with the Executive Director before the pupil participates in any sanctioned sport. The registration

must be completed ~~[on a form]~~ ***through the process*** approved by the ~~[Executive Director.]~~ ***Association.***

2. ~~[A pupil must register separately for each sanctioned sport in which he or she participates during each school year.~~

~~3.]~~ Each initial roster prepared by a school must be ~~[mailed or transmitted by facsimile machine]~~ ***submitted*** to the Executive Director ~~[and must be postmarked or dated by a facsimile machine]~~ on or before the date of the first game, contest or meet that is authorized for the sanctioned sport by the Association. ***An initial roster submitted to the Executive Director pursuant to this subsection must contain, if applicable, for each pupil included in the roster, the number displayed on the jersey of the pupil and the position to which the pupil is assigned. A school must, using a portal approved by the Association, update the roster whenever a change to the information contained in the roster, including, without limitation, the removal of a pupil from the roster, occurs during the season of the sanctioned sport for which the roster is used.*** Any name added to the initial roster must be received by the Executive Director before the pupil whose name is added to the roster is eligible to participate in the sanctioned sport.

~~[4.]~~ ***3.*** A school shall not schedule the first game, contest or meet of a sanctioned sport until 10 days after the first day of the season for the sanctioned sport.

~~[5.]~~ ***4.*** A school that fails to comply with subsection ~~[3 shall pay a fine of $100]~~ ***2 is subject*** to the ~~[Association.]~~ ***penalties set forth in NAC 385B.960.***

Sec. 8. NAC 385B.704 is hereby amended to read as follows:

385B.704 ~~[1.]~~ Except as otherwise provided in NRS 385B.170, any school district that has jurisdiction over a school may adopt additional requirements for eligibility that are stricter than the requirements for eligibility set forth in NAC 385B.700 to 385B.798, inclusive**.** ~~[, if:~~

~~(a) The school district that proposes to adopt stricter requirements submits a copy of the proposed requirements to the Executive Director at least 30 days before the next regularly scheduled meeting of the Board;~~

~~(b) The proposed requirements identify the regulations adopted by the Association that the school district proposes to amend; and~~

~~(c) The Board approves the proposed requirements at its next regularly scheduled meeting.~~

~~2. The Board shall, within 30 days after reviewing a proposed requirement pursuant to paragraph (c) of subsection 1, send a written notice of its decision to the school district.]~~

Sec. 9. NAC 385B.712 is hereby amended to read as follows:

385B.712 1. Except as otherwise provided in this section ~~[,]~~ ***and NRS 385B.130 and 385B.135,*** to be eligible to participate in a sanctioned sport, a pupil must attend the school that is located in the zone of attendance of the residence of the pupil and his or her parent or legal guardian. When a pupil initially enrolls in a school, one residence of the pupil must be identified as the residence of the pupil within the zone of attendance of the school regardless of the number of homes in which the pupil may actually reside and that school is the pupil's school of residence for the purposes of determining eligibility to participate in a sanctioned sport.

2. A pupil enrolled in a school based on ~~[an]~~ ***a residential*** affidavit ~~[of residency]~~ is not eligible to participate in any sanctioned sport at the school for 180 school days beginning on the date on which the pupil first attends the school.

3. A pupil whose parents are divorced or separated is eligible to participate in a sanctioned sport at the school that is located within the zone of attendance of the residence of the parent having primary physical custody of the pupil as determined pursuant to subsection 1.

4. If the primary physical custody of a pupil whose parents are divorced or separated is jointly shared at the separate residences of the parents and if the pupil:

(a) Was enrolled in a member school at the time of the divorce or separation, the pupil remains eligible to participate in a sanctioned sport at that member school.

(b) Was not enrolled in a member school at the time of the divorce or separation, the school in which the pupil initially enrolls in ninth grade in accordance with subsection 1 is the pupil's school of residence for the purposes of eligibility to participate in a sanctioned sport.

5. A pupil who begins ninth grade at a private school ***, charter school, magnet school or vocational or technical school*** that serves all pupils who are located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the ~~[private]~~ ***applicable*** school.

6. For the purposes of this chapter, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159A.205 or 159A.215.

7. A pupil is not eligible to participate in a sanctioned sport at a school that is located within the zone of attendance of the legal guardian of the pupil unless the legal guardian has complied with subsection 3 of NAC 385B.718.

8. As used in this section, "residential affidavit" means an affidavit submitted to a school by the parent or legal guardian of a pupil which indicates that the pupil and his or her parent

or legal guardian reside in the home of another person who is not the pupil's parent or legal guardian and whose home is located within the zone of attendance of the school in which the pupil is located.

Sec. 10. NAC 385B.714 is hereby amended to read as follows:

385B.714 1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he or she is 18 years of age or older and does not live with a parent or legal guardian, to prove to the satisfaction of the school district or the Executive Director, as appropriate, that the pupil has established a residence within the zone of attendance of a school.

2. A pupil who is 18 years of age or older and does not live with a parent or legal guardian must comply with subsection 6 of NAC 385B.718 to establish residency.

3. If a pupil has a new residence, to establish residency pursuant to this section, the pupil or his or her parent or legal guardian must submit to the school district or Executive Director, as appropriate, evidence establishing to the satisfaction of the school district or Executive Director:

(a) The right of the pupil and each parent or legal guardian with whom the pupil resided at the former residence to use the new residence for the purpose of establishing eligibility to participate in a sanctioned sport;

(b) That the new residence is located within the zone of attendance of the school at which eligibility is sought; and

(c) That the pupil and his or her parent or legal guardian no longer reside at the former residence. Evidence submitted pursuant to this paragraph must include, without limitation, information and documentation establishing that:

(1) The former residence has been sold or transferred from the legal ownership or possession of the parent or legal guardian;

(2) The transfer of personal property ordinarily associated with a legitimate change of residence has been completed; and

(3) The former residence is not currently being used by the parent or legal guardian or by any other relative of the pupil or parent or legal guardian under circumstances in which the school district or Executive Director may reasonably infer that the pupil has not changed residences and the request is an attempt to circumvent the requirements for eligibility to participate in a sanctioned sport prohibited pursuant to NAC 385B.776.

4. The evidence required pursuant to ***paragraphs (a) and (b) of*** subsection 3 may include, without limitation:

(a) A document indicating ~~[the sale of the former residence and]~~ the issuance of the deed for the new residence to the pupil, parent or legal guardian;

(b) A document indicating the pupil, parent or legal guardian leases the entire new residence and the previous occupants of the new residence have vacated the new residence;

(c) A bill for the payment of utility services, including a bill for ~~[telephone,]~~ power, ***gas, water,*** sewer or garbage service at the new residence;

(d) A driver's license or certificate of registration of a vehicle that includes the address of the new residence;

(e) ~~[A change of address included on a form for the registration of voters;~~

~~(f)]~~ An order or decree issued by a court of competent jurisdiction declaring that the parent or the legal guardian described in subsection 3 of NAC 385B.718 with whom the pupil resides at the new residence has been awarded primary physical custody of the pupil; and

~~[(g)]~~ ***(f)*** Any other evidence indicating that the pupil and the parent or legal guardian reside at the new address ~~[.]~~ ***, as requested by the school district or Executive Director.***

5. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to ~~[subsection 3]~~ ***this section*** and, within 1 year after establishing that eligibility, reestablishes a residence in his or her former school district or zone of attendance, the pupil is ineligible to participate in ~~[interscholastic activities]~~ ***any sanctioned sport*** at the former school for 180 school days ***.*** ~~[unless the pupil has complied with the provisions of NAC 385B.720.]~~

Sec. 11. NAC 385B.716 is hereby amended to read as follows:

385B.716 1. ~~[Any]~~ ***Except as otherwise provided in subsection 2, a*** pupil who ***enrolls in a school for the first time or*** transfers to another school is presumed ineligible to participate in any sanctioned sport ***in which the pupil's name appeared on a roster of the Association during the preceding 180 school days*** at the school to which the pupil transfers for 180 school days.

2. ~~[The presumption set forth in subsection 1 applies to a pupil who transfers from:~~

~~(a) A school to another school within the same school district that has established zones of attendance for pupils who reside within that school district;~~

~~(b) A school district to another school district; or~~

~~(c) A public school to a private school, a private school to a public school or a private school to another private school within the zone of attendance.~~

~~3. Except as otherwise provided in subsection 4, a~~ ***A*** pupil or a parent or legal guardian of the pupil may ~~[rebut]~~ ***:***

(a) Apply for a waiver of the presumption set forth in subsection 1 by submitting an application pursuant to section 2 of this regulation, if the pupil has not previously received a waiver granted pursuant to section 2 of this regulation;

(b) Apply for a waiver of the presumption set forth in subsection 1 by submitting a waiver pursuant to NRS 385B.135 which is reviewed using a process that complies with the provisions of NRS 385B.135 and is approved by the Association; or

(c) Rebut the presumption set forth in subsection 1 by filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive.

~~[4. A pupil or a parent or legal guardian of a pupil may not rebut the presumption set forth in subsection 1 if the pupil transferred to another school within 1 year after the pupil:~~

~~(a) Participated in an athletic event as a member of a team that is affiliated with the school to which he or she transferred, including, without limitation, an athletic event sponsored or conducted by the Amateur Athletic Union, the American Legion or a similar organization specified by the Executive Director; or~~

~~(b) Received any athletic instruction from a person who is affiliated with that school.]~~

Sec. 12. NAC 385B.718 is hereby amended to read as follows:

385B.718 1. ~~[A]~~ ***Except as otherwise provided in NRS 385B.135, a*** pupil who transfers from a school to another school within the same school district or to another school district may, after filing an appeal pursuant to NAC 385B.900 to 385B.924, inclusive, rebut the presumption of ineligibility set forth in NAC 385B.716 if the pupil provides proof satisfactory to the

Association that the parents or legal guardian of the pupil or, if the parents are divorced or separated, the parent who has ~~[legal]~~ ***physical*** custody of the pupil resides within the zone of attendance of the school or the boundaries of the school district to which the pupil transfers in accordance with the provisions of this section.

2. If the parents of a pupil specified in subsection 1 are not living together, the parent with whom the pupil resides must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree issued by a court of competent jurisdiction establishing that the parent has been awarded physical custody of the pupil.

3. If a pupil specified in subsection 1 resides with a legal guardian, the legal guardian must provide, in addition to the proof required by subsection 1, a certified copy of the order or decree of a court of competent jurisdiction appointing that person as the legal guardian of the pupil and setting forth a specific finding by the court that the legal guardianship has not been established pursuant to NRS 159A.205 or 159A.215 and that:

(a) The parents of the pupil are unfit or incapable of maintaining or caring for the pupil; or

(b) The pupil is a delinquent who will benefit from the guardianship.

4. The exception set forth in subsection 3 applies only to a pupil for whom a legal guardian is appointed by a court of competent jurisdiction for the best interests of the pupil. If the Association determines that a legal guardianship has been established to circumvent the provisions of this chapter, the Association will refuse to recognize the legal guardianship and determine the eligibility of the pupil as if no legal guardianship existed.

5. If a guardianship is established for any reason other than the reasons set forth in paragraph (a) or (b) of subsection 3, the legal guardian must provide, in addition to the proof required by subsection 1, proof satisfactory to the Association that a hardship exists.

6. If a pupil does not reside with a parent or legal guardian, the pupil must establish by a preponderance of the evidence that he or she is living apart from the parent or legal guardian without financial support from any person or entity.

7. If a pupil or a parent or legal guardian of a pupil establishes by a preponderance of the evidence the matters set forth in subsection 1 at a hearing conducted pursuant to NAC 385B.900 to 385B.924, inclusive, the pupil is eligible to participate in a sanctioned sport.

8. A pupil who is eligible to participate in a sanctioned sport pursuant to this section and who, within 1 year after becoming eligible, returns to the pupil's former residence or a residence in the school district from which he or she transferred is ineligible to participate in ~~[the]~~ ***any*** sanctioned sport for 180 school days after the date on which the pupil returns to that residence.

~~[9. A school district consisting of more than one school is not required to comply with the requirements of this section if the school district imposes requirements that are stricter than the requirements set forth in this section.~~

~~10. Except as otherwise provided in NRS 385B.170, if a high school is opened in a school district specified in subsection 9, the school district may submit a request to the Association to deviate from the regulations adopted by the Association relating to the transfer of pupils. Each request submitted pursuant to this subsection must include the regulations from which the school district wishes to deviate and the reason for each requested deviation. Upon approval of the~~

~~request, the school district may, during the year in which the high school is opened, deviate from the regulations in the manner specified by the Association in its approval of the request.]~~

Sec. 13. NAC 385B.722 is hereby amended to read as follows:

385B.722 1. A pupil who ***, after enrolling in grade 9,*** does not reside within the zone of attendance of a magnet school or a vocational or technical school that is located within a school, and who obtains a waiver to attend the program of the magnet school or vocational or technical school, ~~[is eligible to participate in any sanctioned sport at the school.]~~ ***may apply for a waiver of the requirements of subsection 1 of NAC 385B.712.***

2. ~~[To establish eligibility pursuant to subsection 1, the pupil must:~~

~~(a) Comply with the requirements of the magnet school or vocational or technical school for filing an application;~~

~~(b) Comply with the requirements to participate in the program of the magnet school or vocational or technical school;~~

~~(c) Enroll in the courses required for pupils participating in the program of the magnet school or vocational or technical school; and~~

~~(d) Maintain eligibility to complete the program of the magnet school or vocational or technical school.]~~ ***An application submitted pursuant to subsection 1 must be submitted using a process that complies with the provisions of NRS 385B.135 and is approved by the Association. A pupil may apply for a waiver pursuant to this section not more than once.***

3. ~~[During the period in which the pupil is enrolled in the magnet school or vocational or technical school, the pupil may participate only in a sanctioned sport that is offered by the school in which the magnet school or vocational or technical school is located.~~

~~4. A pupil who is approved to enroll in a magnet school or a vocational or technical school and fails to comply with the requirements of subsection 2, or who does not complete the program of the magnet school or vocational or technical school, becomes immediately ineligible to participate in a sanctioned sport at the school in which the magnet school or vocational or technical school is located for 180 school days.~~

~~5. A pupil who is accepted into the program of a magnet school or a vocational or technical school and who, after acceptance into the program, chooses to return to his or her school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sanctioned sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the magnet school or vocational or technical school.~~] ***An application submitted pursuant to subsection 1 will be approved if the pupil:***

(a) Meets the requirements set forth in NRS 385B.135; or

(b) Is granted a waiver pursuant to section 2 of this regulation.

Sec. 14. NAC 385B.734 is hereby amended to read as follows:

385B.734 1. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit to the school district in which the homeschooled child resides a written notice of intent to provide instruction for the homeschooled child at home. A parent or legal guardian of a homeschooled child who submits such a notice shall be deemed to be the teacher of the homeschooled child for all matters relating to participation by the homeschooled child in a sanctioned sport.

2. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit evidence satisfactory to the Executive Director that the homeschooled child has complied with the requirements for academic eligibility set forth in NAC 385B.750 to 385B.770, inclusive. The evidence must be submitted to the person designated by the school pursuant to paragraph (c) of subsection ~~[4.]~~ ***3.***

3. ~~[A homeschooled child who withdraws from a school where he or she is enrolled:~~

~~(a) Remains eligible to participate in a sanctioned sport at that school if eligible to participate in that sanctioned sport at the time of withdrawal from the school; or~~

~~(b) If not eligible to participate in a sanctioned sport at the time of withdrawal from the school, must establish eligibility to participate in that sanctioned sport by complying with the requirements for academic eligibility specified in subsection 2.~~

~~4.]~~ If a homeschooled child resides within the zone of attendance of a school and notifies the school that he or she wishes to participate in a sanctioned sport at that school, the school shall provide to the parent or legal guardian of the homeschooled child:

(a) A statement setting forth the requirements for academic eligibility to participate in a sanctioned sport specified in subsection 2;

(b) All schedules and requirements of the school relating to eligibility for participation in a sanctioned sport at the school; and

(c) The name and telephone number of a person in the athletic department of the school with whom the homeschooled child or a parent or legal guardian of the homeschooled child may communicate relating to the academic eligibility of the homeschooled child to participate in the sanctioned sport.

~~[5.]~~ ***4.*** A homeschooled child may participate in a sanctioned sport at a private school upon approval by the private school. The private school may charge and collect a fee for authorizing the participation of the pupil in the sanctioned sport. The fee must be uniform with respect to homeschooled children. The private school shall report any such fee to the Association. A homeschooled child who participates in a sanctioned sport pursuant to this section is subject to the provisions ***of NRS 385B.130, 385B.135 and the provisions*** of this chapter governing transfers.

Sec. 15. NAC 385B.736 is hereby amended to read as follows:

385B.736 1. The provisions of ~~[this section]~~ ***subsections 2, 3 and 4*** apply to a family that has more than one child who:

(a) Is enrolled in a ***public*** high school in this State; and

(b) In accordance with the regulations of a school district relating to zoning, is assigned by the school district to a ***public*** school.

2. The oldest child of a family specified in subsection 1 is eligible to participate in a sanctioned sport only at the school to which that child is assigned by the school district.

3. Each younger child who is enrolled in a high school in this State at the time the regulations specified in paragraph (b) of subsection 1 are adopted by the school district and who qualifies for a variance in his or her zone of attendance pursuant to those regulations is eligible to participate in a sanctioned sport at the school within his or her zone of attendance or the school attended by the oldest child. ~~[If the younger child transfers to another school after making the initial choice of a school, he or she is ineligible to participate in a sanctioned sport for 180 school days.]~~

4. The provisions of subsection 3 apply to any member of a family who is approved for a variance specified in that subsection during any period in which another child of the family attends the school that is located within the zone of attendance of the family. If a member of the family chooses to attend his or her school of residence or if a member of the family does not attend the school of residence, the family must comply with the requirements for eligibility that are applicable to any other pupil enrolled in the school.

5. A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a school, may transfer from a school to another school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new school or to carry out the rezone of an existing school.

6. A pupil may transfer from a school to another school pursuant to subsection 5:

(a) Not more than once; and

(b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

Sec. 16. NAC 385B.740 is hereby amended to read as follows:

385B.740 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and NRS 385B.135,*** a pupil shall not practice or participate in any sanctioned sport for more than one school during the season for the sanctioned sport, including, without limitation, any school that is located outside the State of Nevada regardless of whether that school is an affiliate school.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** Executive Director may waive the provisions of subsection 1 if ~~[a]~~ ***:***

(a) The pupil moves with his or her parent or legal guardian from the zone of attendance of a school to the zone of attendance of another school during a season ***;*** ~~[.~~

~~3. The Executive Director shall not issue a waiver pursuant to subsection 2 if:~~

~~(a) The move is completed after more than one-half of the season is completed;]~~ or

(b) The pupil ~~[to whom the]~~ ***has not been granted a*** waiver ~~[applies:~~

~~(1) Is dismissed from or is otherwise no longer a member of the team for the sanctioned sport; or~~

~~(2) Is ineligible for any reason to participate in a sanctioned sport at the school from which he or she transferred.]~~ ***pursuant to section 2 of this regulation.***

Sec. 17. NAC 385B.742 is hereby amended to read as follows:

385B.742 A pupil who is ineligible to participate in a sanctioned sport because of a transfer may reestablish eligibility to participate in a sanctioned sport if he or she complies with the provisions of NAC 385B.700 to 385B.798, inclusive, and:

1. Completes 180 school days of ineligibility at the school to which the pupil transferred; ~~[or]~~

2. ***Is granted a waiver pursuant to NRS 385B.135; or***

3. Is determined to be eligible by the Executive Director, an administrator or a panel pursuant to NAC 385B.900 to 385B.924, inclusive.

Sec. 18. NAC 385B.744 is hereby amended to read as follows:

385B.744 1. A pupil who attends a school ~~[and wishes to transfer to another school]~~ ***that is not located in the zone of attendance of the residence of the pupil or a parent or legal guardian of the pupil*** may apply to the Association for a waiver ~~[from]~~ ***of*** the requirements ~~[for~~

~~eligibility at least 90 days before the date established by the Association for the season for which the pupil wishes to participate. The pupil must submit the~~] ***of subsection 1 of NAC 385B.712.***

2. An application ~~[on]~~ ***submitted pursuant to subsection 1 must be submitted using*** a ~~[form]~~ ***process*** approved by the Association. ***A pupil may not apply more than once for a waiver pursuant to this section.***

3. The Association ~~[may]~~ ***will*** approve ~~[the]~~ ***an*** application ***submitted pursuant to subsection 1*** if the pupil complies with the regulations of his or her school district relating to the issuance of a variance in the zone of attendance of the pupil. ~~[If]~~

4. Except as otherwise provided in subsection 5, if the Association approves ~~[the]~~ ***an*** application ~~[,]~~ ***submitted pursuant to subsection 1,*** the pupil is eligible to participate in a sanctioned sport at any level other than varsity. ~~[A pupil may not apply more than once for a waiver pursuant to this section.~~

~~2.]~~ ***5. The Association will approve an application submitted pursuant to subsection 1 and deem the pupil eligible to participate in a sanctioned sport at any level if the pupil is granted a waiver pursuant to NRS 385B.135 or section 2 of this regulation.***

6. A pupil whose application for a waiver pursuant to subsection 1 is denied may appeal that decision in accordance with the provisions of NAC 385B.900 to 385B.924, inclusive.

~~[3. If a pupil is granted a waiver pursuant to subsection 1 and, after the waiver is granted, transfers to another school, including a school within his or her zone of attendance, the pupil is ineligible to participate in a sanctioned sport for 180 school days. A pupil whose request for a subsequent transfer is denied may not appeal that decision.~~

~~4. A waiver that is granted pursuant to subsection 1 becomes effective at the beginning of the next semester.~~

~~5. If any pupil or a parent or legal guardian of a pupil submits an application for a waiver pursuant to subsection 1 that includes any false information, the pupil becomes ineligible to participate in a sanctioned sport for 2 school years after the Association determines that the application includes false information.]~~

Sec. 19. NAC 385B.910 is hereby amended to read as follows:

385B.910 1. A pupil who is adversely affected by a determination made pursuant to NAC 385B.908 may appeal that determination pursuant to this section.

2. An appeal filed pursuant to this section must be:

(a) Heard by a hearing officer who is appointed by the Executive Director and approved by the Board;

(b) Heard in Reno or Las Vegas unless the Executive Director specifies another location for the appeal; ~~[and]~~

(c) Except as otherwise provided in subsection 3, accompanied by a nonrefundable fee of $500 ~~[.]~~ ***; and***

(d) Based on information presented during an appeal conducted pursuant to NAC 385B.908.

3. The Executive Director may waive the fee for filing an appeal specified in subsection 2 if he or she determines that:

(a) The pupil who filed the appeal qualifies for the school lunch program pursuant to 42 U.S.C. §§ 1751, et seq.; or

(b) The payment of the fee will impose a substantial financial hardship on the pupil.

4. Except as otherwise provided in this section, each hearing held pursuant to this section must be:

(a) Conducted in accordance with the provisions of chapter 233B of NRS relating to contested cases;

(b) Except as otherwise provided in subsection 5, closed to the general public; and

(c) Recorded on audiotape.

5. A pupil who is at least 18 years of age and who files an appeal pursuant to this section is entitled to have any hearing conducted concerning the appeal open to the general public.

6. Each party to an appeal may present a closing argument after the submission of evidence at any hearing concerning the appeal that is conducted pursuant to this section.

7. The Association must be represented by legal counsel at any hearing held pursuant to this section.

8. ***School and school district personnel may act as a witness at any hearing but may not act as counsel for the pupil.***

9. A hearing officer who is appointed to conduct an appeal pursuant to this section shall:

(a) After the submission of the evidence and the presentation of any closing arguments, declare the hearing closed; and

(b) Within 10 days after closing the hearing, prepare findings of fact and conclusions of law and submit his or her decision to:

(1) The Executive Director;

(2) The legal counsel representing the Association; and

(3) Each party to the appeal.

~~[9.]~~ ***10.*** The decision of a hearing officer issued pursuant to this section ~~[is final and binding and]~~ may ~~[not]~~ be appealed ~~[.~~

~~10.]~~ ***pursuant to NRS 385B.100.***

11. The office of the Executive Director shall:

(a) Provide administrative and clerical support for each hearing officer who is appointed pursuant to this section; and

(b) If money is available for that purpose, reimburse the hearing officer for any per diem or travel expenses incurred or fees charged by him or her for conducting the appeal.

Sec. 20. NAC 385B.720 and 385B.728 are hereby repealed.

TEXT OF REPEALED SECTIONS

385B.720 Pupil who transfers to another school within same zone of attendance or after change in zone of attendance. (NRS 385B.060)

1. Except as otherwise provided in subsection 2, an eligible pupil who attends a school for at least 180 school days and transfers from a school to another school within the zone of attendance is ineligible to participate in any sanctioned sport in which the pupil's name appeared on a roster

of the Association for 180 school days after the date of the transfer. If the pupil transfers within the first 180 school days, he or she is ineligible:

(a) For the remainder of the school year in which he or she transfers; and

(b) For 180 school days after the date of the transfer.

2. A pupil who resides with a parent or legal guardian, or who is emancipated, and resides in an area that is affected by a change in the zone of attendance of a school, may transfer from a school to another school, regardless of whether the change in the zone of attendance was initiated to establish the zone of attendance for a new school or to carry out the rezoning of an existing school.

3. A pupil specified in subsection 2 may transfer from a school to another school pursuant to that subsection:

(a) Not more than once; and

(b) Only if the transfer is completed on or before the beginning of the school year in which the change in the zone of attendance occurred.

385B.728 Pupil assigned to option-zoned school; effect of rezoning of boundaries of certain school districts during school year. (NRS 385B.060)

1. A pupil who is assigned to an option-zoned school by a school district may establish eligibility to participate in a sanctioned sport in accordance with this section.

2. A pupil specified in subsection 1 who attends his or her school of residence remains eligible at that school. The pupil may choose to attend an option-zoned school at any time, and is immediately eligible to participate in a sanctioned sport at that option-zoned school. If the pupil

transfers between schools that are located within an option zone, the pupil is ineligible to participate in a sanctioned sport for 180 school days after the initial transfer.

3. A pupil specified in subsection 1 who initially chooses to attend an option-zoned school is immediately eligible to participate in any sanctioned sport that is offered by the option-zoned school. A pupil who initially chooses to attend an option-zoned school and who, after attending the option-zoned school, transfers to his or her school of residence, becomes ineligible for the remainder of the school year in which the transfer occurs and for an additional 180 school days in any sport in which the pupil's name appeared on a roster of the Association during the period he or she attended the option-zoned school.

4. If a school district has more than one school located within the school district and the school district rezones its boundaries during a school year, the school district is not required, during that school year, to comply with the provisions of NAC 385B.718. The provisions of subsection 2 of NAC 385B.720 apply to any pupil of a school who is affected by the rezoning. A pupil who is adversely affected by the rezoning may not appeal the decision of the school district to the Association.

5. As used in this section, "option-zoned school" means a school for which a school district authorizes a pupil who does not reside within the zone of attendance of the school to attend the school. The term includes a magnet school.

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 is needed to address the changing landscape in interscholastic athletics and conform with the requirements of Assembly Bill 184 from the 2025 legislative session. The amendments create greater consistency, fairness, and equity in athletic eligibility and transfer rules by applying uniform standards across all school types and grade levels. The changes also modernize outdated provisions, establish clearer appeal and waiver processes, and ensure all students are afforded equitable opportunities and protections when participating in interscholastic activities.

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 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 emailed 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

   On May 3, 2024, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. This regulation was reviewed by the NIAA Board of Control at a board meeting held on

June 5, 2024, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 April 14, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 21 day of April, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi

Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 021-25

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, so there is no summary of their responses. A copy of the summary may be obtained by contacting csgroi@niaa.com.

2. **The manner in which the analysis was conducted.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses based upon the proposed regulation.

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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R039-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) identifying fields of specialization in teaching which require the specialized training of teachers and other educational personnel; and (2) setting forth the requirements which teachers and other educational personnel must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) Existing regulations establish endorsements in certain areas of specialization. (NAC 391.180-391.323) This regulation authorizes the Superintendent of Public Instruction, in consultation with the Commission, to: (1) change the name of an endorsement on a license if the name of the endorsement changes; or (2) remove an endorsement from a license if the endorsement no longer exists. This regulation also authorizes a person holding a license with an endorsement that no longer exists to transition to a new endorsement under certain circumstances.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If the Superintendent of Public Instruction, in consultation with the Commission, determines that:

(a) The name of an endorsement on a license has changed, the Superintendent of Public Instruction shall change the name of the endorsement on the license; or

(b) An endorsement no longer exists, the Superintendent of Public Instruction shall remove the endorsement on the license.

2. If an endorsement is removed from a license pursuant to paragraph (b) of subsection 1, the Superintendent of Public Instruction shall allow a person holding a license to transition to an existing endorsement:

(a) For which the person holding a license has satisfied all the requirements, including, without limitation, course work, and authorize the person to teach in the same assignment; or

(b) By completing any additional requirements, including, without limitation, course work, within 3 years after the date on which the endorsement is removed.

3. As used in this section, "transition" means to change an endorsement on a license to a different endorsement.

Joe Lombardo
Governor

Dr. Victor Wakefield
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R039-25, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. Due to regular changes in statute and regulation, adjustments are frequently made to the names and types of endorsements. This regulation allows the Superintendent to make updates to Licensure records as these changes are made to reflect relevant titles and references.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R039-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R039-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:00 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.XXX of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, 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 Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, February 18, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:10 A.M. Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement. The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, February 13, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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

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Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 30, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R070-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations relating to the qualifications to obtain: (1) a license to teach in this State; and (2) an endorsement to teach in a field of specialization. Senate Bill No. 175 of the 2025 Legislative Session, which becomes effective on July 1, 2026, requires the regulations adopted by the Commission to include provisions authorizing a person who is a member of the Armed Forces of the United States or a veteran of the Armed Forces of the United States who has received any form of certification, including, without limitation, a temporary, provisional or advanced certification, as an instructor in the Junior Reserve Officers' Training Corps program to receive an endorsement to teach pupils enrolled in the Junior Reserve Officers' Training Corps program. (NRS 391.019, 391.115) Existing regulations authorize a person to receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program if he or she has received, from the secretary of the military branch he or she serves in or has retired from, certification as an instructor in the program. (NAC 391.252) **Section 1** of this regulation provides that, using its definition in S.B. 175, this certification includes, without limitation, a temporary, provisional or advanced certification. In addition, **section 1** requires the holder of such an endorsement to provide any notification of a change in his or her certification as an instructor in the Junior Reserve Officers' Training Corps program, including, without limitation, decertification or the suspension or revocation of the certification, not later than 15 calendar days after receipt of the notification, to the school district or charter school that employs him or her. **Section 1** further provides that if the notification indicates that the holder of the endorsement was decertified as an instructor in the Junior Reserve Officers' Training Corps program or that his or her certification as an instructor in the Junior Reserve Officers' Training Corps program was otherwise revoked permanently: (1) the school district or charter school that employs the holder of the endorsement

is required to forward the notification to the Department of Education; and (2) the endorsement of the holder is automatically invalidated upon receipt of the notification by the Department.

Existing regulations also provide that an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program is not required to teach the course. (NAC 391.252) **Section 1** makes such an endorsement mandatory to teach pupils in the Junior Reserve Officers' Training Corps program.

Section 1. NAC 391.252 is hereby amended to read as follows:

391.252 1. To receive an endorsement to teach pupils in the Junior Reserve Officers' Training Corps ~~[Program]~~ ***program*** developed pursuant to 10 U.S.C. § 2031, a person must have received, from the secretary of the military branch he or she serves in or has retired from, certification as an instructor in the ~~[Program.]~~ ***Junior Reserve Officers' Training Corps program.***

2. The holder of an endorsement to teach pupils in the Junior Reserve Officers' Training Corps ~~[Program]~~ ***program*** may teach the course only in grades 7 to 12, inclusive.

3. An endorsement to teach pupils in the Junior Reserve Officers' Training Corps ~~[Program]~~ ***program*** is ~~[not]~~ required to teach the course.

4. If the holder of an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program receives notification of a change in his or her certification as an instructor in the Junior Reserve Officers' Training Corps program, including, without limitation, decertification or the suspension or revocation of the certification, the holder of the endorsement shall, not later than 15 calendar days after receiving the notification, provide the notification to the school district or charter school that employs him or her. If the notification indicates that the holder of the endorsement was decertified as an instructor in the Junior

Reserve Officers' Training Corps program or that his or her certification as an instructor in the Junior Reserve Officers' Training Corps program was otherwise revoked permanently:

(a) The school district or charter school that employs the holder of the endorsement shall forward the notification to the Department.

(b) The endorsement to teach pupils in the Junior Reserve Officers' Training Corps program of the holder automatically becomes invalid upon the receipt of the notification by the Department.

5. As used in this section, "certification as an instructor in the Junior Reserve Officers' Training Corps program" has the meaning ascribed to it in subsection 2 of NRS 391.115.

Sec. 2. This regulation becomes effective on July 1, 2026.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R070-25, Adopted by the Commission on Professional Standards in Education. 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:**
   SB175 (2025) required updates to regulation regarding endorsements to teach pupils in the Junior Reserve Officers' Training Corps. The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R070-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
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March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R070-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.252 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019, as amended by section 2.5 of Senate Bill No. 175, chapter382, Statutes of Nevada 2025, at page 2551.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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Las Vegas, Nevada 89119-0811
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STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:00 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, 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, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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
Interim
Superintendent of Public Instruction

Southern Nevada Office
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Las Vegas, Nevada 89119-0811
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STATE OF NEVADA
DEPARTMENT 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: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.

I, Steve Canavero, being the duly appointed Interim 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 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. Comments have 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,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

R076-25

ADOPTED REGULATION

OF THE STATE BOARD OF EDUCATION

LCB File No. R076-25

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

AUTHORITY: §§ 1-4, NRS 385.080 and 388.041; §§ 5-7, NRS 385.080 and 388.040.

A REGULATION relating to education; prescribing the procedure for the award of grants under a program to provide transportation assistance to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend and requirements governing the operation of such a program; requiring each school district to develop a process for the parents or legal guardians of certain pupils to request transportation assistance; requiring the board of trustees of each school district to submit an application to the Department of Education to implement a system of open enrollment; establishing the requirements governing the operation of a system of open enrollment; prescribing certain requirements governing a determination of the capacity for a grade level at a public school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; (2) requires the board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; and (3) requires the Superintendent of Public Instruction to establish a process to review such policies and procedures for compliance with applicable law. (NRS 388.040) **Section 6** of this regulation establishes the process for the submission and review of such policies and procedures.

Existing law: (1) requires a school district to give priority for enrollment in a school outside the zone of attendance that a pupil is otherwise required to attend to pupils who live in the zone of attendance of certain schools that have received low ratings of performance; and (2) authorizes a school district to use a lottery to determine which pupils will be enrolled in a grade level at a public school outside the zone of attendance of those pupils. (NRS 388.040) **Section 7** of this regulation authorizes a school district, after prioritizing the pupils for which priority is required by existing law, to prioritize pupils in any manner not prohibited by law. **Section 7** also clarifies the circumstances under which a school district may use a lottery to prioritize pupils for

enrollment in a grade level at a school that is outside the zone of attendance that a pupil is otherwise required to attend.

Existing law requires the board of trustees of a school district to: (1) determine the capacity for each grade level within each public school in the school district; and (2) annually publish such information on the Internet not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. (NRS 388.040) **Section 7** prescribes the manner in which the board of trustees of a school district must make such a determination.

Existing law requires the Department of Education, to the extent that money is available, to establish a program to award grants of money on behalf of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. (NRS 388.041) **Section 2** of this regulation establishes the requirements for a school district or organization to be eligible to receive such a grant and the authorized uses of grant money. **Section 3** of this regulation prescribes the process to award such grants to school districts or other organizations. **Section 4** of this regulation prescribes requirements governing the operation of programs to provide transportation assistance that are funded by grants. **Section 4** also establishes the requirements for a pupil to be eligible to receive transportation assistance through such a program.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. Pursuant to NRS 388.041, the Department shall, to the extent that money is available for this purpose, award grants of money to school districts and other organizations to support transportation to public schools outside the zone of attendance pursuant to subsection 1 of section 4 of this regulation for pupils who:***

(a) Attend a school district which has elected not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupils are otherwise required to attend pursuant to paragraph (e) of subsection 2 of NRS 388.040; and

(b) Meet the requirements of subsection 2 of section 4 of this regulation.

2. To be eligible for such a grant:

(a) A school district must:

(1) Meet the requirements of paragraph (a) of subsection 1;

(2) Have adopted policies and procedures governing the attendance of pupils at schools outside the zone of attendance that the pupil is otherwise required to attend that have been approved by the Department pursuant to section 6 of this regulation;

(3) Administer to the parent or legal guardian of each pupil who has been approved to attend a public school outside the zone of attendance that the pupil is otherwise required to attend through a system of open enrollment implemented pursuant to section 6 of this regulation an assessment to identify the need for transportation assistance on behalf of the pupil that meets the requirements of subsection 3;

(4) Have established a process to:

(I) Determine the eligibility of pupils for transportation assistance in accordance with subsection 2 of section 4 of this regulation; and

(II) Prioritize eligible pupils in accordance with paragraph (c) of subsection 1 of section 4 of this regulation;

(5) If applicable, have entered into an agreement described in subparagraph (1) of paragraph (b) of subsection 1 of section 4 of this regulation; and

(6) Plan to use any grant of money awarded pursuant to this section for purposes authorized by subsection 4.

(b) An organization must have entered into an agreement that meets the requirements of this paragraph with one or more school districts described in paragraph (a). The agreement must:

(1) Provide for the secure sharing of data relating to pupils for the purpose of compliance with the prioritization requirements of paragraph (c) of subsection 1 of section 4 of this regulation and the eligibility requirements of subsection 2 of section 4 of this regulation; and

(2) Include contractual terms relating to insurance, liability and indemnification, as applicable.

3. An assessment administered to the parent or legal guardian of a pupil pursuant to subparagraph (3) of paragraph (a) of subsection 2 must require a parent or legal guardian completing the assessment to:

(a) Identify whether the parent or legal guardian wishes to opt into available transportation services offered by the school district or other organizations or receive reimbursement for the cost of transportation;

(b) Identify whether the pupil has any special needs with regard to transportation due to a disability or other reason; and

(c) Provide the attestation required by paragraph (b) of subsection 2 of section 4 of this regulation.

4. Money awarded through a grant pursuant to this section must be used to pay the costs for a program of transportation assistance that meets the requirements of section 4 of this regulation, which may include, without limitation, the administrative costs associated with:

(a) The assessment administered pursuant to subparagraph (3) of paragraph (a) of subsection 2; and

(b) Prioritizing pupils for transportation assistance in accordance with paragraph (c) of subsection 1 of section 4 of this regulation.

Sec. 3. *1. A school district or organization that wishes to receive a grant pursuant to section 2 of this regulation must submit an application to the Department. The application must include:*

(a) A financially sound plan for implementing the program proposed for funding that includes, without limitation:

(1) The approximate cost of each program of transportation assistance that the school district or organization proposes to fund using the grant; and

(2) The methodology used by the school district or organization to determine the costs identified pursuant to subparagraph (1);

(b) Evidence that the program proposed for funding:

(1) Has established a means to inform a parent or guardian who opts in to transportation assistance:

(I) Whether the pupil for whom the parent or guardian is responsible is eligible for transportation assistance;

(II) Whether the pupil will receive transportation assistance;

(III) If the pupil will receive transportation assistance, the form of transportation assistance that the pupil will receive; and

(IV) If the pupil will not receive transportation assistance, any additional transportation options available in the community; and

(2) Will comply with the requirements of this section, sections 2 and 4 of this regulation and NRS 388.041;

(c) A count of the number of pupils for whom parents or guardians have opted into transportation assistance pursuant to paragraph (a) of subsection 3 of section 2 of this regulation through the program proposed for funding and the anticipated cost to provide transportation assistance to a pupil for 1 school year; and

(d) The number of pupils described in paragraph (c) who fall into each category listed in subsection 2 based upon information disclosed by their parents or legal guardians in the assessment administered pursuant to subparagraph (3) of paragraph (a) of subsection 2 of section 2 of this regulation.

2. In awarding money to support programs that provide transportation assistance to pupils who meet the eligibility requirements set forth in subsection 2 of section 4 of this regulation, the Department shall:

(a) Give first priority to programs that will provide transportation assistance to high numbers of pupils who applied through the system of open enrollment pursuant to section 6 of this regulation to attend a public school outside the zone of attendance that the pupil is otherwise required to attend which received, in the immediately preceding school year, a rating of performance pursuant to the statewide system of accountability for public schools that is higher than the rating of performance received by the public school that the pupil is otherwise required to attend;

(b) Give secondary priority to programs that will provide transportation assistance to high numbers of pupils who:

(1) Are migrants, homeless, have been placed in foster care; or

(2) Have been identified as at risk of not graduating as of October 1 of the immediately preceding school year; and

(c) Give tertiary priority to other programs that meet the requirements of this section, sections 2 and 4 of this regulation and NRS 388.041.

Sec. 4. *1. A program of transportation assistance supported by a grant pursuant to section 2 of this regulation must:*

(a) Identify the needs and determine the eligibility of pupils based upon the information disclosed by their parents or legal guardians in the assessments administered pursuant to subparagraph (3) of paragraph (a) of subsection 2 of section 2 of this regulation;

(b) Provide transportation assistance to eligible pupils through:

(1) Agreements between school districts and organizations to provide transportation to pupils that:

(I) Provide for the secure sharing of data relating to pupils for the purpose of compliance with the prioritization requirements of paragraph (c) and the eligibility requirements of subsection 2; and

(II) Include contractual terms relating to insurance, liability and indemnification, as applicable;

(2) A program developed by a school district or other organization to provide transportation directly to pupils; or

(3) The provision of reimbursement to the parents or legal guardians of pupils for the cost of transportation;

(c) Prioritize pupils who are eligible for transportation assistance through the program and whose parents or guardians opt into such transportation assistance in the order specified in subsection 2 of section 3 of this regulation; and

(d) If there is insufficient money available to provide transportation assistance to all eligible pupils whose parents or guardians have opted into transportation assistance in a level of priority identified in subsection 2 of section 3 of this regulation, award transportation assistance to such pupils within that level of priority in the order in which the parents or guardians of the pupils opted into transportation assistance.

2. To be eligible to receive transportation assistance through a program funded pursuant to section 2 of this regulation, a pupil must:

(a) Live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(b) Attest that he or she has no other viable form of transportation available to him or her.

3. For the purposes of this section and NRS 388.041, a pupil has no other viable form of transportation available to him or her if the pupil has no reliable means to:

(a) Arrive at school on time for the beginning of the school day; or

(b) Depart from school at the conclusion of the school day.

Sec. 5. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this regulation.

Sec. 6. *1. The board of trustees of each school district shall submit to the Department an application in the form prescribed by the Department to implement a system of open*

enrollment pursuant to which a pupil in the school district may attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to NRS 388.040. Such an application must contain, without limitation, a copy of the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040.

2. Within 30 days after receipt of an application submitted pursuant to subsection 1, the Department shall:

(a) Review and evaluate the application in accordance with a rubric to evaluate the degree to which the system of open enrollment proposed by the application complies with the requirements of NRS 388.040 and other applicable law; and

(b) Approve or deny the application and provide the applicant with the score the application received on the rubric described in paragraph (a).

3. The Department shall publish the rubric described in paragraph (a) of subsection 2 on an Internet website operated by the Department.

4. Approval of a system of open enrollment by the Department pursuant to this section remains in effect and does not require renewal. The board of trustees of the school district must reapply for approval if the board of trustees wishes to change the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040.

Sec. 7. *1. After prioritizing pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, the board of trustees of a school district may prioritize pupils for enrollment in a grade level within a public school for which applications exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040 in any manner not prohibited by law.*

2. Pursuant to sub-subparagraph (II) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, the board of trustees of a school district may use a lottery to:

(a) Select pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040 for enrollment in a grade level if the applications for the enrollment of such pupils in that grade level exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040.

(b) Select pupils from another category of pupils prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040 are enrolled.

(c) Select pupils who are not prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040 and all pupils prioritized for enrollment pursuant to subsection 1 are enrolled.

3. When determining capacity for a grade level within a public school pursuant to paragraph (c) of subsection 4 of NRS 388.040, the board of trustees of a school district in which the public school is located:

(a) Shall base the determination on the total number of instructional teaching stations and number of seats available for each instructional teaching station for the grade level; and

(b) May also give consideration to:

(1) The subject matter of the course for which an instructional teaching station is established;

(2) The grade level for which an instructional teaching station is established;

(3) The instructional model used at an instructional teaching station; and

(4) Exigent circumstances.

4. If the capacity pursuant to subsection 3 is determined to be less than the total number of instructional teaching stations and number of seats available for each instructional teaching station for the grade level within the public school, the board of trustees of the school district in which the public school is located shall:

(a) Submit to the Department for approval a written explanation for the reduced capacity; and

(b) If the written explanation is approved, publish on the Internet website maintained by the school district the written explanation pursuant to paragraph (c) of subsection 4 of NRS 388.040.

5. For purposes of this section, "instructional teaching station" means a distinct physical location designated for a pupil or a group of pupils to engage in learning tasks facilitated by a teacher or other school employee whose duties include rendering direct educational service to pupils. Each such physical location constitutes an instructional teaching station, regardless of whether there is sufficient staff to operate the instructional teaching station.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
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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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R076-25, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 387 and 388:

1. **A clear and concise explanation of the need for the adopted regulation:**
   Pursuant to AB533 (2025) and SB460 (2025), the Department was tasked with developing regulations regarding systems of open enrollment and transportation funding supportive of open enrollment.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as feedback regarding how to calculate school capacity and support flexibility and requesting clarification regarding transportation; and support for open enrollment and its importance to families. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**3**) and Hearing (**4**)
   b. Testified at Workshop (**1**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and Hearing (**1**)

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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   - Gia Moore, 1180 Military Tribute Place, Henderson NV 89074; 702-799-8462; mooreg@nv.ccsd.net; Clark County School District.
   - Viridiana Vidal, 702-206-2110; vvidal@nrealmedia.com; Individual

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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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 R076-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:06 PM** on **Wednesday, April 22, 2026,** 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 387 and 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:** AB533 (2025) and SB460 (2025) require the development of regulations to support systems of open enrollment and the administration of transportation funding under these systems.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation establishes requirements for the administration and award of transportation funding under a program of open enrollment, in addition to establishing criteria for the calculation of capacity for systems of open enrollment.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 2025
9:00 AM

Office			
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 Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. 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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE.** *(For possible action)*
   The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING** *(For possible action)*
   The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.
   - Michael Mitchell, Director, Office of Early Learning and Development

5. **9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS.** *(For possible action)*
   The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments

6. **9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

7. **9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to the time used for administering and preparing for assessments.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

8. **9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME** *(For possible action)*
   The proposed changes relate to school calendars and instructional time.
   - Amelia Thibault, Director, Office of Division Compliance

9. **9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION (***For possible action)*
   The proposed changes relate to programs of personalized, competency-based education.
   - Amelia Thibault, Director, Office of Division Compliance

10. **9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION (***For possible action)*
    The proposed changes relate to programs of school innovation.
    - Amelia Thibault, Director, Office of Division Compliance

11. **9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY (***For possible action)*
    The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
    - Amelia Thibault, Director, Office of Division Compliance

12. **9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS (***For possible action)*
    The proposed changes relate to petitions to eliminate statutory and regulatory reports.
    - Amelia Thibault, Director, Office of Division Compliance

13. **9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*
The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. 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.

15. ADJOURNMENT

Joe Lombardo
Governor

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

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:10 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding provisions for open enrollment and transportation services under open enrollment.

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 leading up to and for the duration of the workshop.

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.

Joe Lombardo
Governor

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX.

The proposed regulation regarding provisions for open enrollment and transportation services under open enrollment is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

R077-25

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R077-25

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

AUTHORITY: §§ 1-5, NRS 385.080, 387.123 and 389.210; §§ 6-9 and 17, NRS 389.210; § 10, NRS 385.080, 388.090, 388.537, 388.874, 389.155 and 389.210; § 11, NRS 385.080, 385.114 and 389.171; § 12, NRS 385.080, 385.114 and 389.210; §§ 13-16, NRS 385.080, 389.155 and 389.210.

A REGULATION relating to education; establishing requirements for the board of trustees of a school district or the governing body of a charter school to obtain the approval of the Superintendent of Public Instruction to offer a program of competency-based education; establishing requirements for the development of a plan to operate a program of competency-based education; requiring a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and the teacher providing instruction to the pupil, a written plan for the advancement of the pupil in a course offered as part of a program of competency-based education; prescribing the standards applicable to the review of an application to establish certain educational programs; establishing enrollment and attendance requirements for pupils enrolled in a program for competency-based education; removing a requirement for the board of trustees of a school district to prescribe a specific list of courses of study for which a pupil may be granted credit without attending the regularly scheduled classes in the course and make that list available to certain persons; adopting requirements for a school district to award credit for experiences outside the high school campus by a pupil enrolled in a program of competency-based education; adopting provisions governing the approval of an alternative form of transcript for use in a program of competency-based education; providing for pupils enrolled in a program of competency-based education to complete courses through a program of independent study; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a pilot program to provide competency-based education, which is defined as a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a skill or concept, regardless of the time, place or pace at which the pupil progresses. (NRS 389.200, 389.210) Existing law also requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. (NRS 389.210)

Under existing regulations, for a school to participate in the pilot program: (1) the school must satisfy certain criteria; (2) the board of trustees of the school district or the governing body of the charter school, as applicable, must apply to the Department to participate in the pilot program; and (3) the Department must select the school to participate in the pilot program for competency-based education. (NAC 389.829) **Section 17** of this regulation repeals the existing procedure to apply to establish a program of competency-based education. **Section 7** of this regulation instead requires that to provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department a plan to operate such a program and obtain the approval of the plan by the Superintendent of Public Instruction. **Section 8** of this regulation: (1) requires a plan to operate a program of competency-based education to be created in collaboration with certain persons; and (2) establishes the required contents of the plan. **Section 9** of this regulation: (1) requires a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and each teacher who will provide instruction to the pupil under the program, a written plan for the advancement of the pupil through the program; and (2) establishes the required contents of the plan. **Section 10** of this regulation provides that if the Superintendent determines that an application to provide certain educational programs, including, without limitation, a program of competency-based education, contains elements of two or more types of program, the Superintendent is required to evaluate the application in accordance with the standards for the program that is most applicable to the application, as determined by the Superintendent.

Existing law requires the State Board of Education to establish regulations for counting enrollment and calculating the average daily attendance of pupils. (NRS 387.123) Existing regulations prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level. (NAC 387.120, 387.131) Existing regulations further establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.185) **Section 1** of this regulation: (1) establishes the circumstances under which a pupil who is enrolled in a program of competency-based education is deemed to be enrolled in school full-time and in school for a full day of attendance; and (2) requires pupils enrolled in an approved program of competency-based education to be documented in the applicable electronic learning management system or the master register of enrollment and attendance and reported in the count of average daily enrollment. **Section 1** also requires certain pupils who are enrolled in an approved program of competency-based education and are deemed to be in school for a full day of attendance by completing the hours specified in the written plan for advancement established for the pupil to: (1) maintain a study log; and (2) meet or otherwise communicate at least once each week with a person who is licensed as a teacher or other educational personnel and who is authorized by the school district or charter school to discuss the pupil's progress in the program. **Sections 2-5** of this regulation make conforming changes to existing regulations governing school calendars, schedules and attendance to reflect that **section 1** governs enrollment and attendance by pupils enrolled in an approved program of competency-based education. (NAC 387.120, 387.131, 387.140, 387.185) **Section 2** also requires the Department to integrate the form for submitting a school calendar as an addendum to an application for approval of certain educational programs.

Existing law requires the State Board of Education to prescribe the courses of study for public schools in this State. (NRS 385.114, 389.021) Existing regulations establish the number of units of credit that a pupil is required to successfully complete to be promoted to high school, to

advance to the next grade in high school and to graduate from high school with certain diplomas. (NAC 389.040, 389.445, 389.659, 390.430, 390.440, 390.443, 390.445) Under existing law: (1) a pupil is authorized to be granted credit for a specific course of study without having attended the regularly scheduled classes if the pupil demonstrates proficiency to meet the objectives of the course or particular areas of the course; and (2) the State Board of Education is required to adopt regulations governing the granting of such credit, including, without limitation, regulations prescribing the courses of study for which pupils may be granted credit without having attended the regularly scheduled classes. (NRS 389.171) **Section 11** of this regulation removes the requirement for the board of trustees of each school district to prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes and to make that list available to school counselors, pupils and parents of pupils. (NAC 389.670)

Existing regulations authorize a school district under certain circumstances to allow credit toward graduation from high school for a pupil's experiences outside the high school campus. (NAC 389.674) **Section 12** of this regulation similarly authorizes a school district to allow such credit toward graduation for a pupil who is enrolled in a program of competency-based education if the experiences are included in the written plan of advancement established for the pupil pursuant to **section 9**.

Existing regulations require a school district, in preparing transcripts of the high school courses, credits and grades of a pupil, to use the form of the transcript prescribed by the Superintendent of Public Instruction unless the school district receives approval from the Superintendent for an alternative form. (NAC 389.700) **Section 13** of this regulation requires a school district offering a program of competency-based education to submit any such alternative form of transcript, or change to a previously approved form of transcript, to the Superintendent not later than June 1 immediately preceding the first school year for which the school district intends to use the alternative form or changed alternative form.

Existing law requires the State Board of Education to adopt regulations establishing a program pursuant to which certain pupils are authorized to complete any required or elective course by independent study outside of the normal classroom setting. (NRS 389.155) Existing regulations establish: (1) a procedure by which the board of trustees of a school district obtains the approval of the Superintendent of Public Instruction to provide a program of independent study; and (2) requirements for pupils to participate in a program of independent study, including, without limitation, a requirement for the pupil to enter into a written agreement with the teacher of the course of independent study, or the board of trustees of the school district or its designee, to establish, without limitation, the objectives of the course or program, the timeline for completion of assigned course work, a schedule of communications between the pupil and teacher and the method by which the teacher will assess the learning of the pupil. (NAC 389.720, 389.730, 389.750) **Sections 14-16** of this regulation specifically authorize pupils enrolled in a program of competency-based education to complete courses through a program of independent study and apply existing regulations governing the completion of such courses to pupil enrolled in a program of competency-based education.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed enrolled full-time if the pupil is in:

(a) Kindergarten or any grade from grades 1 to 8, inclusive, and is enrolled in:

(1) The minimum daily period required pursuant to subsection 1 of NAC 387.131; or

(2) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

(b) Any grade from grades 9 to 12, inclusive, and:

(1) Is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(2) Has established a written plan for advancement pursuant to section 9 of this regulation that demonstrates that the pupil will complete during the school year sufficient coursework that is equivalent to the number of courses required for full-time pupils.

2. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed to be in full attendance for a day if the pupil:

(a) Is in kindergarten or any grade from grades 1 to 12, inclusive, and is attending school for at least 50 percent of the number of minutes required for the daily session of his or her grade or category pursuant to NAC 387.131; and

(b) If the pupil is in any grade from grades 7 to 12, inclusive, completes the hours specified in the written plan for advancement established pursuant to section 9 of this regulation.

3. A pupil enrolled in a program of competency-based education that uses the model of attendance described in subsection 2 shall:

(a) Maintain a study log; and

(b) Meet or otherwise communicate at least once each week with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school to discuss the pupil's progress in the program of competency-based education.

➥ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 for that pupil and documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.

4. A pupil may meet the requirements to be deemed enrolled full-time by enrolling in any course, including, without limitation, courses of distance education, courses of independent study, career and technical programming, dual credit courses or an equivalent experience.

5. All pupils enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation must be documented in the electronic learning management system or the master register of enrollment and attendance and reported in the count of the average daily enrollment of pupils pursuant to subsection 1 of NRS 387.1223.

Sec. 2. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district, charter school or university school for profoundly gifted pupils shall submit a copy of its school calendar for the approaching school year to the Department in the form prescribed by the Department. If one calendar does not apply to all its schools or grades, the district or school shall submit as many calendars as are necessary for application to all its schools and grades. The submission of a school calendar pursuant to this subsection must include all data requested by the Department relating to the

validation of the total number of school days in session, instructional minutes and start and end times included in the school calendar.

2. Except as otherwise provided in subsection 6 and except for a school calendar that accompanies an alternative schedule approved pursuant to NAC 387.125, a school calendar must contain at least 180 school days in session. This period must be divided into at least two instructional periods. Each instructional period must consist of one or more school quarters. The first instructional period of a school year must commence on July 1 and the last instructional period of the school year must end on June 30.

3. The first day of a school year is the first instructional day scheduled for that school year.

4. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district, charter school or university school for profoundly gifted pupils as contingent days to be used as school days in session if:

(a) In a school district in a county whose population is less than 100,000, at least 33 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions;

(b) In a school district in a county whose population is 100,000 or more, at least 50 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions;

(c) A charter school or university school for profoundly gifted pupils is rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(d) The Governor declares a legal holiday not anticipated in the original school calendar.

➥ If a substantial portion, as established in this subsection, of the schools within a school district are closed because of any of these conditions or if a charter school or university school for profoundly gifted pupils is closed because of any of these conditions, all of the contingent days must be used before the school district or school, as applicable, applies for an emergency closing to be counted as a school day in session.

5. The board of trustees of a school district or the governing body of a charter school or university school for the profoundly gifted pupils may convene not more than 5 days for professional development, or an equivalent number of minutes if the professional development is conducted for only a portion of the day, and include such professional development in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. A professional development day as a school day in session may not be scheduled within 20 school days before the last day of instruction, unless approved by the Superintendent of Public Instruction upon determining that such scheduling is justified by exigent circumstances. A day for professional development may also be declared by the Superintendent of Public Instruction.

6. A school calendar for an adult high school program, an alternative program, a program of distance education, ***a program of competency-based education,*** a program of independent study or a program of instruction in a juvenile detention facility must contain at least 180 school days in session unless the school district or governing body of the charter school or university for profoundly gifted pupils, as applicable, obtains the written approval of the Superintendent of Public Instruction for a program:

(a) Of instruction based on an alternative schedule submitted pursuant to NAC 387.125;

(b) That demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum; or

(c) That demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, equivalent to the regular school curriculum.

7. The Department shall integrate the form for the submission of a school calendar pursuant to this section as an addendum to the application for approval of an adult high school program, an alternative program, a program of distance education ***, a program of competency-based education*** or a program of independent study.

8. If the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils wishes to make changes to its school calendar after the school calendar has been approved by the Superintendent of Public Instruction pursuant to this section, the board of trustees or governing body must submit notice of the change to the Department not later than 10 business days after the change has taken effect. Applicable changes include, without limitation, emergency closures, delays, half days, activation of contingent days, days for professional development or other adjustments.

9. Upon receiving notice pursuant to subsection 8 of a change to a school calendar, the Superintendent of Public Instruction may:

(a) Approve the changes; or

(b) Determine that the changes do not comply with the provisions of this section or any other applicable law or regulations and require remediation.

Sec. 3. NAC 387.131 is hereby amended to read as follows:

387.131 1. Except as otherwise provided in this section and except for an alternative schedule approved pursuant to NAC 387.125, a school day in session must consist of the following minimum daily periods for each grade:

Grade	Daily Period
Kindergarten	240 minutes
1 and 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school program, an alternative program, a program of distance education, ***a program of competency-based education,*** a program of independent study or a program of instruction in a juvenile detention facility is identical to the minimum daily period set forth in subsection 1, unless the school district, charter school or university school for profoundly gifted pupils:

(a) Exercises its option pursuant to subsection 2 of NAC 387.140;

(b) Obtains the approval of the Superintendent of Public Instruction to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125; or

(c) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum or demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, equivalent to the regular school curriculum.

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, not more than 2 days on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 4. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district, charter school or university for profoundly gifted pupils that is not operating on an alternative schedule pursuant to NAC 387.125 to conduct not more than 5 short school days in session for each school year. To obtain the permission of the Superintendent of Public Instruction, a school district, charter school or university school for profoundly gifted pupils must submit an application in advance. Except as otherwise authorized by subsection 2, if a school district, charter school or university school for profoundly gifted pupils wishes to schedule more than 5 short school days in session, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, must submit an application to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125.

2. Upon the written approval of the Superintendent of Public Instruction, a school district, charter school or university school for profoundly gifted pupils may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program ***, a program of competency-based education*** or receiving instruction in a juvenile detention facility.

Sec. 5. NAC 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in NAC 387.193 ~~[,]~~ ***and section 1 of this regulation,*** a pupil may be counted as in attendance only if the pupil is actually at school or engaged in an instructional activity which is:

(a) Sponsored by the school;

(b) Part of the program of the school;

(c) Personally supervised by a member of the staff of the school; and

(d) At a location approved by the school.

2. Except as otherwise provided in NAC 387.193, 387.286 and 387.291, ***and section 1 of this regulation,*** a full day of attendance must be recorded for a pupil if he or she is in attendance as described in subsection 1 for at least 50 percent of the minutes of instruction scheduled for the pupil for the school day.

Sec. 6. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this regulation.

Sec. 7. ***1. To provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department, in the form prescribed by the Department, a plan to operate a program of competency-based education and obtain the approval of the plan by the Superintendent of Public Instruction.***

2. The Superintendent of Public Instruction shall review each plan to operate a program of competency-based education submitted to the Department pursuant to subsection 1 and approve or deny the plan. The Superintendent of Public Instruction shall approve the plan if the plan satisfies the requirements of section 8 of this regulation and the Superintendent determines that the program of competency-based education:

(a) Is offered at a school on a school-wide basis, across a grade band or within a specific classroom;

(b) Provides for the earning of credit and the advancement of pupils to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses; and

(c) Provides for the mastery of a concept or skill in a manner that aligns with the portrait of a learner developed by the Department and the standards of content and performance prescribed by the State Board of Education.

3. As used in this section "portrait of a learner" means an initiative that aligns with the standards of content and performance prescribed by the State Board of Education and is developed by the Department to provide core academic knowledge to pupils from which pupils can apply durable skills.

Sec. 8. *1. In developing a plan to operate a program of competency-based education for submission to the Department pursuant to section 7 of this regulation, the board of trustees of a school district or governing body of a charter school shall collaborate with a group consisting of at least one of each of the following persons:*

(a) A teacher at a school at which the program of competency-based education will be provided, at least one of whom must:

(1) If the program will be provided to pupils enrolled in a program of special education, hold a license to teach special education;

(2) If the program will be provided to pupils enrolled in a gifted and talented program, have an endorsement to teach pupils in a program for gifted and talented pupils; and

(3) If the program will be provided to a pupil enrolled in a program of early childhood education, hold a license to teach early childhood education;

(b) The principal of a school at which the program of competency-based education will be provided or any other administrator of such a school;

(c) A representative of the regional training program, as defined in NRS 391A.105, for the professional development of teachers and administrators of a school at which the program of competency-based education will be provided;

(d) A person who is employed at a school at which the program of competency-based education will be provided in a position that promotes specialized instructional support at the school;

(e) A person with subject matter expertise in providing services to at-risk pupils, pupils who are experiencing homelessness or pupils in foster care;

(f) A parent or guardian of a pupil enrolled in a school at which the program of competency-based education will be provided who is not employed by the school district;

(g) A member of the community served by a school at which the program of competency-based education will be provided who is not an employee of the school district;

(h) If a school at which the program of competency-based education will be provided is located on qualified tribal land, as defined in NRS 387.3289, a representative of the Indian tribe exercising governmental power over that land; and

(i) If a school at which the program of competency-based education will be provided includes grades 7 to 12, inclusive:

(1) A pupil enrolled in the school; and

(2) A representative of a local postsecondary educational institution.

2. A plan to operate a program of competency-based education must identify:

(a) The manner in which pupils enrolled in the program will demonstrate mastery of a concept or skill, which must align with applicable academic content standards.

(b) The manner in which the school at which the program of competency-based education will be provided will collaborate with a pupil in the development of a written plan for advancement pursuant to section 9 of this regulation.

(c) A plan to provide professional development to the personnel at the school at which the program of competency-based education will be provided, as necessary to support the program.

(d) The use of instructional time and course schedules for each grade in which the program of competency-based education will be provided.

(e) The modalities for advancing or retaining a pupil in a course or grade, including, without limitation, the use of assessments, project-based learning, standards-based portfolios and any other modalities to assess whether to advance or retain a pupil in a course or grade.

(f) The manner in which the school at which the program of competency-based education will be provided will support and integrate into the program pupils who are English learners, pupils who are at risk of dropping out or not graduating and gifted and talented pupils.

(g) The manner in which the standards for social and emotional learning will be integrated into the program of competency-based education.

(h) The manner in which pupils will be assessed at the beginning of each school year for the purposes of placement in the program of competency-based education.

(i) The opportunities for tiered interventions and supports for at-risk pupils consistent with the statewide system of accountability for public schools.

(j) The primary teaching strategies to be used in the program of competency-based education.

3. As used in this section:

(a) "Artifact" means tangible objects or materials created by pupils during the course of instruction that are used to facilitate learning and demonstrate knowledge, including, without limitation, presentations, assignments and models.

(b) "Standards-based portfolio" means a collection of artifacts completed by pupils for the purpose of demonstrating competency within a single subject and according to academic content standards.

(c) "Tiered interventions and supports" means a system of targeted interventions for pupils needing additional academic, behavioral, social and emotional support to be successful.

Sec. 9. *1. A pupil enrolled in a program of competency-based education shall, in collaboration with the parent or guardian of the pupil and each teacher who will provide instruction to the pupil under the program, establish a written plan for the advancement of the pupil though the school year in a course offered as part of the program.*

2. A written plan for advancement established pursuant to subsection 1 must include, without limitation:

(a) An estimate of the time that the pupil anticipates will be needed to complete specific modules within the curriculum of a course;

(b) Whether the pupil anticipates remaining or advancing in a given course;

(c) The types of artifacts the pupil would like to develop as part of the process of developing and demonstrating mastery of a concept or skill;

(d) The learning goals and areas of interest of the pupil; and

(e) The learning modalities most supportive to the learning of the pupil.

Sec. 10. ***If the Superintendent of Public Instruction determines that an application to provide a program of instruction based on an alternative schedule pursuant to NAC 387.125, an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, a program of distance education pursuant to NAC 388.830, a program of independent study pursuant to NAC 389.710 to 389.750, inclusive, or a program of competency-based education approved pursuant to section 7 of this regulation contains elements of two or more such programs, the Superintendent shall determine the program most applicable to the application and evaluate the application using the standards applicable to that program.***

Sec. 11. NAC 389.670 is hereby amended to read as follows:

389.670 1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171. The application must include, without limitation, the:

(a) First and last name of the pupil;

(b) Identifying information for the pupil, including, without limitation, the date of birth, the student identification number assigned pursuant to subsection 2 of NAC 385.015, and the ethnicity and gender of the pupil;

(c) Grade level of the pupil;

(d) Home telephone number of the pupil;

(e) Name and identification number of the school in which the pupil is enrolled;

(f) Signature of the school counselor at the school in which the pupil is enrolled; and

(g) Name and number of the course of study for which the application is submitted.

2. ~~[The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to NRS 389.171, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.~~

~~3.]~~ The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of NRS 389.171, establish a committee of teachers and administrators to select an appropriate examination for each course of study **.** ~~[prescribed pursuant to subsection 2.]~~ The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of NRS 389.171, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171 to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

~~[4.]~~ ***3.*** If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

~~[5.]~~ ***4.*** A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

~~[6.]~~ ***5.*** The State Board of Education may review:

(a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and

(b) The minimum score required on any such examination.

Sec. 12. NAC 389.674 is hereby amended to read as follows:

389.674 1. A school district may, under suitable criteria, allow credit toward graduation from high school for a pupil's experiences outside the high school campus if those experiences are equivalent in kind and amount to the educational experiences being offered in the high school.

2. ***A school district may allow credit toward graduation from high school for a pupil's experiences outside the high school campus as part of a program of competency-based education approved pursuant to section 7 of this regulation if, in addition to satisfying the requirements of subsection 1, those experiences are included in a written plan of advancement established for the pupil pursuant to section 9 of this regulation.***

3. A school district may, under suitable criteria, allow credit toward completion of an adult high school program for a pupil's experiences outside the adult high school program if those experiences are equivalent in kind and amount to the educational experiences being offered in the adult high school program.

Sec. 13. NAC 389.700 is hereby amended to read as follows:

389.700 1. In preparing a transcript of a pupil's high school record of courses, credits and grades, the school district shall use:

(a) The form of transcript prescribed by the Superintendent of Public Instruction; or

(b) An alternative form approved by the Superintendent. ***A school district that intends to use an alternative form of transcript as part of the program of competency-based education***

approved pursuant to section 7 of this regulation, or change an alternative form previously approved by the Superintendent, shall submit the alternative form or changes to the alternative form, as applicable, to the Superintendent for approval pursuant to this paragraph not later than the June 1 immediately preceding the commencement of the first school year for which the school district intends to use the alternative form or changes to the alternative form, as applicable.

2. In lieu of issuing the original transcript of a pupil's record, a school district may issue a ~~[photostatic copy]~~ ***photocopy*** if it is certified by the principal of the school to be a true, or official, copy of the original.

3. Each school district shall provide on all its permanent records and transcripts an explanation of the system of symbols which it uses for grading.

4. A school district operating a program of competency-based education approved pursuant to section 7 of this regulation must submit the alternative form described in paragraph (b) of subsection 1 for the approval of the Superintendent not later than June 1 before the beginning of the school year.

Sec. 14. NAC 389.720 is hereby amended to read as follows:

389.720 1. The board of trustees of a school district may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of independent study. The program of independent study must contain the information prescribed in subsection 3 and must be offered as part of:

(a) An adult high school program;

(b) An alternative program for the education of pupils at risk of dropping out of school;

(c) A program of distance education; ~~[or]~~

(d) ***A program of competency-based education; or***

(e) Any other educational program offered by the school district.

2. The Superintendent of Public Instruction shall review each plan to operate a program of independent study submitted to the Department of Education and approve or deny the plan. If the plan is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the plan for a program of independent study upon appeal.

3. The board of trustees of a school district which provides for independent study shall:

(a) Develop a written policy for independent study, which must include, without limitation, the process by which a pupil may appeal a decision by the board of trustees which denies the pupil from enrolling in a course of independent study.

(b) Establish a system of recordkeeping for each pupil enrolled in a course of independent study. For each course that a pupil participates in, the record must include, without limitation:

(1) A copy of the written agreement required pursuant to NAC 389.750;

(2) A record of all communication between the pupil and the teacher;

(3) A record of the assignments that the pupil has completed; and

(4) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

Sec. 15. NAC 389.730 is hereby amended to read as follows:

389.730 1. A pupil who is enrolled in school or in an alternative program pursuant to NRS 388.537, an adult high school program approved pursuant to NAC 387.190 **,** ~~[or]~~ a program of distance education established by a school district ***or a program of competency-based education approved pursuant to section 7 of this regulation*** may complete any required or elective course

by independent study if the board of trustees of the school district in which the pupil is enrolled provides for independent study in accordance with NAC 389.710 to 389.750, inclusive.

2. A course of independent study may be taken at a location outside of the school district in which the pupil is enrolled upon the written approval of the board of trustees of the school district in which the pupil is enrolled.

Sec. 16. NAC 389.750 is hereby amended to read as follows:

389.750 1. A pupil shall enter into a written agreement with the teacher of the course of independent study or the board of trustees of the school district or its designee before the pupil may begin a course or program of independent study. A pupil may enter into a written agreement if the pupil participates in:

(a) An adult high school program;

(b) An alternative program;

(c) A program of distance education; ~~[or]~~

(d) ***A program of competency-based education; or***

(e) Any other educational program offered by the school district.

2. Such an agreement must include, without limitation:

(a) The objectives of the course or program.

(b) A timeline for the completion of the assigned course work.

(c) A schedule of the communications between the pupil and the teacher that satisfies the requirements of subparagraph (2) of paragraph (a) of subsection 2 of NRS 389.155.

(d) The method by which the teacher will assess the learning of the pupil.

(e) If a pupil is under 18 years of age, the written approval of a parent or guardian of the pupil to participate in the course of independent study.

Sec. 17. NAC 389.829 is hereby repealed.

TEXT OF REPEALED SECTION

389.829 Requirements for participation in pilot program; submission and review of applications; selection of schools. (NRS 385.080, 389.210)

1. To participate in the pilot program to provide competency-based education established pursuant to NRS 389.210, a school must meet the qualifications and conditions prescribed in subsection 2 of that section.

2. The board of trustees of a school district or the governing body of a charter school that wishes to participate in the pilot program to provide competency-based education must submit an application to the Department on a form that has been prescribed by the Department and made available on the Internet website maintained by the Department.

3. The Department shall review each application submitted pursuant to subsection 2 and select the schools to participate in the pilot program to provide competency-based education.

Joe Lombardo
Governor

Dr. Victor Wakefield
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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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R077-25, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 387, 388, and 389:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Department identified the need to regulate the expansion of personalized, competency-based learning in Nevada to ensure rigorous and high-quality programming while allowing for innovation, developed with school districts and charter schools through the Calendar, Credit, and Instructional Time Collaborative.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response may be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R077-25 at the time of the hearing or workshop.

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

summary.
This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R077-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:07 PM** on **Wednesday, April 22, 2026,** 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 387 and 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:** AB110 (2017) established pilot programs for competency-based education which have since expanded across the State; upon scaled growth, additional regulating measures were identified as necessary to support such programs.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation establishes a program of personalized, competency-based education which may be adopted by schools and districts for the delivery of such education to students with necessary measures for flexibility and accountability.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 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	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. 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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE.** *(For possible action)*
   The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING** *(For possible action)*
   The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.
   - Michael Mitchell, Director, Office of Early Learning and Development

5. **9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS.** *(For possible action)*
   The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments

6. **9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

7. **9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to the time used for administering and preparing for assessments.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

8. **9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME** *(For possible action)*
   The proposed changes relate to school calendars and instructional time.
   - Amelia Thibault, Director, Office of Division Compliance

9. **9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION (***For possible action)*
   The proposed changes relate to programs of personalized, competency-based education.
   - Amelia Thibault, Director, Office of Division Compliance

10. **9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION (***For possible action)*
    The proposed changes relate to programs of school innovation.
    - Amelia Thibault, Director, Office of Division Compliance

11. **9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY (***For possible action)*
    The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
    - Amelia Thibault, Director, Office of Division Compliance

12. **9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS (***For possible action)*
    The proposed changes relate to petitions to eliminate statutory and regulatory reports.
    - Amelia Thibault, Director, Office of Division Compliance

13. **9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*
The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. 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.

15. ADJOURNMENT

Joe Lombardo
Governor

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

Southern Nevada Office
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:06 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX, 388.XXX, and 389.XXX regarding programs of personalized, competency-based education.

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 leading up to and for the duration of the workshop.

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.

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: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX, 388.XXX and 389.XXX.

The proposed regulation regarding programs of personalized, competency-based learning is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R079-25

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

AUTHORITY: § 1, NRS 385.080 and 388C.060; §§ 2-5, 9, 13, 15 and 21-28, NRS 385.080; § 6, NRS 385.080, 387.123 and 388.874; § 7, NRS 385.080, 387.123 and 389.155; §§ 8 and 10, NRS 385.080, 387.123 and 388.570; §§ 11, 12 and 14, NRS 385.080 and 387.123; § 16, NRS 385.080 and 388.090; §§ 17 and 18, NRS 385.080 and 388.537; §§ 19 and 20, NRS 388.874.

A REGULATION relating to education; making certain provisions applicable to each university school for profoundly gifted pupils; requiring each school district, charter school and university school for profoundly gifted pupils to use the uniform system of budgeting and accounting developed by the Department of Education; revising provisions governing the counting of enrollment and attendance for pupils enrolled in certain programs or who receive instruction at home or in certain facilities; revising provisions governing an application to offer an adult high school program; revising the length of time that approval to provide certain programs remains effective; requiring the biennial rather than annual submission of information concerning the physical condition of each school; applying requirements a pupil enrolled in grade 9 must satisfy to obtain promotion to higher grade levels to all pupils; authorizing an innovation school or a school providing a program of competency-based education which uses fractional time units to grant credit to pupils proportionately; revising provisions concerning indicators signaled after completing certain standards for college readiness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the formation and operation of charter schools and defines charter schools to be public schools. (NRS 385.007, chapter 388A of NRS) Existing law also provides for the establishment of a university school for profoundly gifted pupils, which, in general, is a school that is located on the campus of a university within the Nevada System of Higher Education, is operated through a written agreement with the university and provides an alternative program of education for profoundly gifted pupils. (Chapter 388C of NRS) Under existing law, a university school for profoundly gifted pupils is deemed to be a public school except that the provisions of existing law governing public schools do not apply to a university

school for profoundly gifted pupils unless a provision of existing law is made applicable by a specific statute or a regulation adopted by the State Board of Education. (NRS 385.007, 388C.050, 388C.060) **Section 1** of this regulation requires a university school for profoundly gifted pupils to comply with any applicable regulation governing the enrollment and counting of pupils and the budgeting and finances of a university school for profoundly gifted pupils. **Section 4** of this regulation: (1) changes the uniform system of accounting required to be used by each school district from the Nevada Financial Accounting Handbook for Local Education Agencies to a uniform system of budgeting and accounting developed by the Department of Education pursuant to existing law; and (2) requires each charter school and university school for profoundly gifted pupils to use that uniform system of budgeting and accounting and submit certain financial reports to the Department in the same manner as school districts. (NRS 387.3035; NAC 387.119)

Under existing law, the yearly apportionment of money from the State Education Fund to each school district is determined by: (1) multiplying the adjusted base per pupil funding established by the Legislature for the school district by the sum of the count of pupils based on the average daily enrollment of pupils enrolled in public schools or certain programs of the school district; and (2) adding to that amount certain additional funding prescribed by existing law. (NRS 387.1223) Existing regulations establish requirements for certain pupils to be included in the count of pupils enrolled in a school district, or receiving instruction from a school district, including, without limitation, pupils recorded as withdrawn from school, pupils enrolled in kindergarten, pupils enrolled in a program of distance education, pupils placed for independent study, pupils receiving instruction in a juvenile detention facility or alternative to detention in a juvenile detention facility or pupils receiving instruction in a medical facility. (NAC 387.115, 387.193, 387.195, 387.197, 387.220, 387.283, 387.286, 387.291, 387.345) **Section 2** of this regulation revises the definition of "instructional program" for the purpose of determining whether a pupil must be recorded as withdrawn for the purposes of the count of pupils because the pupil was enrolled in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. (NAC 387.058, 387.220) **Section 3** of this regulation removes a requirement that pupils in kindergarten who are enrolled for less than 240 minutes of instruction in each school day be included in the count of pupils with a weight of six-tenths because existing law requires all pupils in kindergarten to be counted without such a weight. (NRS 387.1223, 387.123; NAC 387.115) **Section 6** of this regulation revises the provisions governing the circumstances under which a pupil enrolled in a program of distance education is deemed to be enrolled as a full-time pupil. (NAC 387.193) **Section 9** of this regulation makes a conforming change to update a reference to a subsection renumbered by **section 6**. **Section 7** of this regulation requires pupils placed for independent study who satisfy certain requirements to be reported as enrolled in quarterly reports, rather than monthly reports, of the average daily enrollment submitted to the Department because existing law provides for quarterly reports of average daily enrollment. (NRS 387.1223) **Section 11** of this regulation provides that a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher may be reported as enrolled and in attendance at the

school the pupil would normally attend pursuant to guidelines issued by the Department rather than in a monthly report or a specific separate monthly report. (NAC 387.286) **Section 12** of this regulation makes the same change with respect to a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 387.291) **Section 14** of this regulation revises provisions governing the circumstances under which a pupil enrolled in grade 9, 10, 11 or 12 is counted as enrolled full-time by requiring the minimum number of courses to constitute the minimum daily period of attendance or, in the case of a pupil enrolled in grade 12 and on track to graduate from high school, 50 percent of the minimum daily period of attendance. (NAC 387.345) **Section 28** of this regulation: (1) repeals the definition of "average daily attendance" because the term is defined in statute and is no longer used in the applicable chapter of the Nevada Administrative Code; and (2) repeals requirements for a pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher and who does not attend classes on a regular basis because of extreme distance from the school to be deemed enrolled in a school district and in full attendance. (NAC 387.015, 387.293)

Existing regulations: (1) prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level; and (2) establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.120, 387.131, 387.185) Existing regulations further establish requirements for the enrollment and attendance of pupils enrolled in certain educational programs, including, without limitation, independent study, adult high school, distance education, instruction in a detention facility or alternative to such detention, or an alternative program for the education of pupils at risk of dropping out of school. (NAC 387.190, 387.193, 387.195, 387.197, 387.283, 387.330, 388.510) **Section 5** of this regulation: (1) requires an application by a school district to the Department for permission to conduct an adult high school program to include procedures to be used to report enrollment and attendance of pupils enrolled in the program; and (2) provides that the approval of the program expires when the school district revises the procedures or the program such that the school district must obtain the approval of the Superintendent of Public Instruction when such revisions are made. **Section 13** of this regulation requires a school district that offers an adult high school program to ensure the pupils enrolled in the program are included in the master register of enrollment and attendance required by existing regulations. **Section 8** of this regulation: (1) updates references to juvenile detention facilities in existing regulations governing the instruction of pupils detained in detention facilities or alternatives to such detention; (2) requires a school district providing such instruction to ensure that children receiving instruction in a detention facility or alternative to such detention are included in the master register of enrollment and attendance required by existing regulations; and (3) requires the reporting of such children in the quarterly report of average daily enrollment submitted by the school district to the Department. **Section 10** of this regulation: (1) updates references to juvenile detention facilities; and (2) revises the period for the effectiveness of the approval of the Superintendent of Public Instruction of the procedures of a school district for reporting the enrollment and attendance by pupils detained in a detention facility or alternative program. **Section 16** of this regulation clarifies that an exception to the

requirement for the period that constitutes a school day in session applies to pupils who have an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 388.180) **Section 17** of this regulation provides that the approval of the Superintendent of Public Instruction of a plan for an alternative program for the education of pupils at risk of dropping out of school expires when the school district providing the program revises the plan such that the school district must obtain the approval of the Superintendent of Public Instruction when it revises the plan. **Section 18** of this regulation incorporates references to applicable regulations governing independent study in existing regulations governing a plan to provide independent study as part of an alternative program for the education of pupils at risk of dropping out of school. (NAC 388.520)

Existing regulations require each school district, on or before August 1 of each year, to review the physician condition of each school within the school district and submit information relating to the physical condition of each school to the State Board of Education. (NAC 387.501) **Section 15** of this regulation requires this review to be performed in odd-numbered years rather than every year.

Sections 19 and 20 of this regulation remove references to repealed statutes in existing regulations governing the approval of programs of distance education. (NAC 388.825, 388.830) **Section 20** additionally removes the requirement that the approval of the Department for a program of distance education is effective for 3 years after the date of approval and, instead, provides that such an approval is effective for the earlier of 5 years after the date of approval or until the school district revises the program or its procedures. (NAC 388.830)

Existing regulations define the terms "semester" and "trimester" for the purposes of establishing the instructional periods that make up a school year. (NAC 389.034, 389.036, 390.051) **Sections 21 and 27** of this regulation revise the definition of "semester," and **section 22** of this regulation revises the definition of "trimester," to clarify that those periods are based on the school calendar of the school that is submitted to the Department under existing regulations. (NAC 387.120)

Existing regulations define the term "unit of credit" for the purpose of determining the amount of credit that a pupil in junior high or high school is required to earn to be promoted to the next grade and to graduate from high school. (NAC 389.040, 389.445, 389.659, 389.666) **Section 23** of this regulation revises this definition by clarifying the programs in which a pupil may participate to earn the equivalent of the specified amount of credit. **Section 24** of this regulation clarifies that the requirement to earn a certain amount of units of credit to be promoted to the next grade of high school applies to all pupils, including, without limitation, pupils enrolled in an approved program of competency-based education, in an approved program of distance education or in an innovation school. **Section 25** of this regulation authorizes an innovation school or a school providing a program of competency-based education to use fractional time units, in measures of not less than one-fourth of a unit, to grant credit to a pupil based on the demonstrated proficiency of the pupil in a course of study.

Existing regulations provide that the successful completion by a pupil of the standards for college and career readiness set forth in existing regulations is a strong indication that the pupil has attained certain achievements and skills. (NAC 389.840) **Section 26** of this regulation

additionally provides that such a pupil has demonstrated competencies which align with the Nevada Portrait of a Learner developed by the Department.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

A university school for profoundly gifted pupils shall comply with the applicable provisions of this chapter.

Sec. 2. NAC 387.058 is hereby amended to read as follows:

387.058 "Instructional program" means a program designed to enable a pupil to earn ~~[a standard high school diploma, an adult standard diploma, an adjusted diploma or an alternative]~~ ***any type of*** diploma ~~[.]~~ ***evidencing graduation from high school in accordance with criteria prescribed by the State Board of Education.***

Sec. 3. NAC 387.115 is hereby amended to read as follows:

387.115 "Weighted count of enrollment" means the unweighted count of enrollment except that ~~[the number of pupils in kindergarten who are enrolled in a program of instruction that provides less than 240 minutes of instruction in each school day and]~~ pupils who are 3, 4 and 5 years of age who are not enrolled in kindergarten but are receiving special educational services pursuant to NRS 388.435 must be stated as six-tenths of the unweighted count of enrollment.

Sec. 4. NAC 387.119 is hereby amended to read as follows:

387.119 1. To ensure a uniform system of accounting, each school district ***, charter school and university school for profoundly gifted pupils*** shall use the ~~[Nevada Financial Accounting Handbook for Local Education Agencies.]~~ ***uniform system of budgeting and accounting developed by the Department pursuant to NRS 387.3035.***

2. Each school district ***, charter school and university school for profoundly gifted pupils*** shall provide to the Department financial reports that attribute expenditures to each school or cost center within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** in a format prescribed by the Department.

3. As used in this section, "cost center" means an account to which costs are recorded for services that benefit the school district as a whole and are not directly attributable to a particular school.

Sec. 5. NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who meets the requirements prescribed by NRS 392.0175 may be enrolled as a pupil in an adult high school program designed to enable him or her to obtain a diploma.

2. A person who is at least 16 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537 may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled only for the purpose of preparing to take a high school equivalency assessment.

3. Before commencing an adult high school program, a school district must apply to the Department for permission to conduct the program. The application must be made on a form provided by the Department and include the:

(a) Name of the course to be taught; ~~[and]~~

(b) Proposed beginning and ending dates for each class ~~[.]~~ ***; and***

(c) Procedures to be used for the reporting of enrollment and attendance for pupils enrolled in the program.

4. The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the application for an adult high school program upon appeal.

5. An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for ~~[5]~~ ***the earlier of:***

(a) Five years after the date of approval ~~[. The board of trustees of a school district shall update its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.]~~ ***; or***

(b) The date upon which the school district revises the procedures or program.

6. A class that is part of an approved program may begin or end at any time during the school year.

7. A school district that offers an adult high school program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved curriculum.

Sec. 6. NAC 387.193 is hereby amended to read as follows:

387.193 1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed ~~[an]~~ enrolled ~~[pupil]~~ ***full-time*** if:

(a) The ~~[school district or charter school has evidence, as documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171, of:]~~ ***pupil is enrolled in kindergarten or in any grade from grades 1 to 8, inclusive, and is enrolled in:***

(1) The ~~[progress of the pupil toward completing the number of courses required for full-time pupils specified in the written plan for enrollment for the pupil developed pursuant to paragraph (b) of subsection 6;~~

~~(2) The enrollment of the pupil in the]~~ minimum daily period required pursuant to NAC 387.131; ~~[and~~

~~(3) The enrollment in]~~ ***or***

(2) If an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131, a curriculum that is equivalent to the regular school curriculum; ~~[and]~~

(b) ***The pupil is enrolled in any grade from grades 9 to 12, inclusive, and:***

(1) Is enrolled in the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345; or

(2) Has a written plan for enrollment prepared that demonstrates that the pupil will complete the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345 during the school year;

(c) For each course of distance education in which the pupil is enrolled ~~[:~~

~~(1) The]~~ ***, the*** course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; and

~~[(2)]~~ ***(d)*** The name of the pupil is included in the electronic learning management system ~~[or]~~ ***and*** the master register of enrollment and attendance required by NAC 387.171.

2. Each pupil enrolled in a course of distance education offered through a program of distance education ~~[must]~~ ***may*** be recorded in ~~[full]~~ attendance ~~[for each week that]~~ ***if*** the school district or charter school has evidence of the pupil's progression in each course as documented ~~[:~~

~~(a) In]~~ ***in*** the electronic learning management system ~~[;~~

~~(b) By]~~ ***and*** the ~~[pupil's participation]~~ ***pupil:***

(a) Participates in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or

~~[(c) By the pupil meeting]~~

(b) Meets or otherwise ~~[communicating]~~ ***communicates at least three times each week*** with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.

➥ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 and the master register of enrollment and attendance required by NAC 387.171 for that pupil. ***The information required by this subsection must be available for the school district in which the school is located or the charter school to access in real time through the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.***

3. ~~[A pupil who is enrolled full time in a program of distance education provided by:~~

~~(a) The board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862.~~

~~(b) A charter school must be entered as an enrolled pupil in the master register of enrollment and attendance for the charter school.~~

~~4. A pupil shall be deemed enrolled full-time in a program of distance education if:~~

~~(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;~~

~~(b) The time that the pupil spends in the program is recorded by the pupil, the parent or legal guardian of the pupil, or by a computerized program; and~~

~~(c) The pupil satisfies the requirements of subsection 5 or 6, as applicable for his or her grade level.~~

~~5. For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:~~

~~(a) The minimum daily period required pursuant to NAC 387.131; or~~

~~(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.~~

~~6. For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:~~

~~(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or~~

~~(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.~~

~~7.]~~ If a pupil is enrolled part time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

~~[8.]~~ ***4.*** As used in this section, "electronic learning management system" means an electronic system used by a school district or charter school to track the enrollment, attendance, progression and participation of a pupil enrolled in a course of distance education offered through a program of distance education provided by the school district or charter school.

Sec. 7. NAC 387.195 is hereby amended to read as follows:

387.195 1. Except as otherwise provided in subsection 2, any pupil who is placed for independent study by a school district pursuant to a plan approved in accordance with NAC 389.720 shall be deemed to be in full attendance for a day if the combined number of minutes during which the pupil is:

(a) Attending school; and

(b) Completing the hours specified in his or her contract for independent study,

➥ equals at least 50 percent of the number of minutes required for the daily session of his or her grade or category.

2. A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is enrolled in:

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

3. A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:

(a) The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(b) A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

4. A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil's attendance.

5. A pupil placed for independent study must be reported as enrolled ~~[on]~~ ***in*** the ~~[monthly reports]~~ ***report of the average daily enrollment of pupils*** submitted ***quarterly*** to the Department ~~[.]~~ ***pursuant to NRS 387.1223.***

Sec. 8. NAC 387.197 is hereby amended to read as follows:

387.197 1. A school district that provides instruction to children who are detained in detention ~~[homes]~~ ***facilities*** or alternative programs pursuant to NRS 388.550, 388.560 and 388.570 shall maintain, for the children who receive the instruction, a class record book in accordance with NAC 387.165 and ***shall ensure such children are included in*** the master register of enrollment and attendance required by NAC 387.171.

2. Except as otherwise provided in this subsection, if a child is detained in a detention ~~[home]~~ ***facility*** or alternative program, the school district of the child's residence shall be deemed the school district responsible for providing educational services to the child and is the

only school district that may include the child in the count of pupils for purposes of apportionment. A school district other than the district of the child's residence may include the child in the count of pupils for purposes of apportionment of that school district if the school district has:

(a) Entered into a written agreement with the school district of the child's residence to provide educational services to the child; or

(b) Obtained the written approval of the Superintendent of Public Instruction to provide educational services to the child.

3. A child who is detained in a detention facility or alternative program and receives instruction from a school district must be reported as enrolled in the report of the average daily enrollment of pupils submitted quarterly to the Department pursuant to NRS 387.1223 by the school district that includes the child in its count of pupils pursuant to subsection 2.

Sec. 9. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection ~~[7]~~ ***3*** of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until the pupil is transferred from the school or his or her name is withdrawn from its master register. A pupil is not withdrawn from school if he or she is:

(a) Truant from school and documentation of the truancy is maintained by the school district; or

(b) Absent from school for a period of less than 20 consecutive school days, with an expected date of return within 20 school days after the first day of the period in which the pupil is absent.

3. If a pupil:

(a) Enrolls in another school before the pupil has completed the school year, the effective date of withdrawal is the last day that the pupil attended class.

(b) Enrolls in another school after the pupil has completed the school year, the effective date of withdrawal is the last school day of the school calendar for the school year.

(c) Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.

(d) Does not enroll in another school and the parent or legal guardian of the pupil notified the school district of the withdrawal, the effective date of withdrawal is the last day that the pupil attended class.

(e) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

(f) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the 10th consecutive school day that the pupil failed to attend school.

(g) Does not attend school for 20 consecutive school days and the whereabouts of the pupil are known, the effective date of withdrawal is the 20th consecutive school day that the pupil failed to attend school.

Sec. 10. NAC 387.283 is hereby amended to read as follows:

387.283 1. Each school district and charter school shall submit to the Superintendent of Public Instruction or his or her designee, in advance, ~~[a written proposal]~~ ***an application for approval*** of its procedures to be used for the reporting of enrollment and attendance with respect to a pupil placed in a detention ~~[home]~~ ***facility*** or alternative program in the district or charter school.

2. The ***application must contain a written proposal of the*** procedures ~~[must describe]~~ ***that describes*** in detail:

(a) The method by which the school district or charter school determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention ~~[home]~~ ***facility*** or alternative program;

(b) The means by which the district or charter school ensures that a pupil in a detention ~~[home]~~ ***facility*** or alternative program is not included in the count of enrollment and attendance of both a regular school and a program of instruction in a detention ~~[home]~~ ***facility*** or alternative program;

(c) How the school district or charter school will account for a pupil who is receiving instruction in a detention ~~[home]~~ ***facility*** or alternative program located within the district or in the charter school, but who is a resident of a school district in which the detention ~~[home]~~ ***facility*** or alternative program is not located; and

(d) How the school district or charter school will account for a pupil who is a resident of the school district in which the detention ~~[home]~~ ***facility*** or alternative program is located and for whom the school district or charter school is providing for the pupil to receive instruction in a detention ~~[home]~~ ***facility*** or alternative program located in another school district.

3. The Superintendent of Public Instruction or his or her designee may approve or reject the submitted ~~[procedures.]~~ ***application.*** If the Superintendent or his or her designee rejects the ~~[procedures,]~~ ***application,*** the Superintendent shall prescribe the method of reporting for that school district or charter school for that school year. The approval of the Superintendent of Public Instruction is effective ***for 5 years or*** until the school district or charter school revises the procedures ~~[.]~~ ***, whichever is earlier.***

Sec. 11. NAC 387.286 is hereby amended to read as follows:

387.286 1. A pupil who has an illness or a disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 5 hours of instruction per week directly from the supervising teacher in the form of individual tutoring. The tutoring may be conducted by means of electronic telecommunication.

2. Each hour of teaching devoted to the individual instruction of the pupil is equivalent to a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 1 hour, but the number of days of attendance reported for the pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirements of that program.

4. The pupil may be reported ~~[monthly]~~ as enrolled and in attendance at the school he or she would normally attend ~~[, or a separate monthly report may be submitted, marked "Individual Tutoring at Home or in a Medical Facility."]~~ ***pursuant to the applicable guidelines issued by the Department.***

Sec. 12. NAC 387.291 is hereby amended to read as follows:

387.291 1. A pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 15 hours of instruction per week directly from the supervising teacher. If a pupil does not attend or participate in the instruction for more than 10 consecutive school days, the school district shall report the pupil as a withdrawal pursuant to NAC 387.215. The pupil may reenroll after such a withdrawal if he or she is able and willing to participate in the instruction.

2. Each 3 hours of teaching devoted to instruction of pupils under this program is the equivalent of a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 3 hours, but the number of days of attendance reported for the pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirement of that program.

4. The pupil may be reported ~~[monthly]~~ as enrolled and in attendance at the school he or she would normally attend ~~[, or a separate monthly report may be submitted, marked "Instruction of Groups in a Medical Facility."]~~ ***pursuant to the applicable guidelines issued by the Department.***

Sec. 13. NAC 387.330 is hereby amended to read as follows:

387.330 1. An adult high school program must be operated in accordance with the standards prescribed in NAC 387.190 and any additional standards prescribed by the Department. A school district that offers a program for pupils to obtain an adult standard diploma shall ***ensure that pupils enrolled in the program are included in the master register of enrollment and attendance required by NAC 387.171 and*** maintain ~~[a register of enrolled pupils and]~~ a list of classes that are offered.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. Reports of enrollment and attendance must be submitted to the Department:

(a) On a form prescribed by the Department for that purpose; and

(b) Annually on the date prescribed by the Department.

4. The Department shall determine the amount of money allocated to a school district that operates a program for pupils to obtain an adult standard diploma based upon a plan or formula developed by the Department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.

Sec. 14. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsections 3 and 4, for calculating the yearly apportionment for each school district, the count of pupils used to determine the average daily enrollment of pupils in a school district for any quarter during a school year, reported to the Department pursuant to subsection 1 of NRS 387.1223, must be based on the weighted count of enrollment of pupils in the school district for that quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school or university school for profoundly gifted pupils.

2. On a form prescribed by the Superintendent of Public Instruction, the superintendent of schools of each school district shall certify to the Department on or before October 1, January 1, April 1 and July 1 of each school year the weighted count of enrollment for the immediately preceding quarter of the school year. If a charter school or a university school for profoundly gifted pupils submits a form pursuant to this subsection, the charter school or university school for profoundly gifted pupils shall, upon the request of the sponsor of the charter school, the governing body of the university school for profoundly gifted pupils or a school district in which a pupil enrolled in the charter school or university school for profoundly gifted pupils resides, provide a copy of the form to the requester.

3. A school district shall not count a pupil who enrolls in grade 9, 10, 11 or 12 as a full-time pupil for the purpose of calculating the yearly apportionment for the school district for a school year unless the pupil is ***enrolled*** in a minimum of:

(a) Six courses ~~[or the equivalent of six periods per day]~~ ***making up the minimum daily period set forth in NAC 387.131*** if he or she is in grade 9, 10 or 11; or

(b) Four courses ~~[or the equivalent of four periods per day]~~ ***making up at least 50 percent of the minimum daily period set forth in NAC 387.131*** if he or she is in grade 12 ~~[.]~~ ***and the school in which the pupil is enrolled validates that the pupil is on track to graduate.***

4. A school district shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the yearly apportionment for the school district for that school year unless:

(a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by NRS 388.5223 to 388.5243, inclusive, pursuant to NRS 388.5223; or

(b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

➥ The grade level of a pupil is determined by the number of credits held by the pupil.

5. For the purposes of subsections 2 and 3 of NRS 387.1223, the enrollment of pupils in a charter school or in a university school for profoundly gifted pupils includes the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside in the school district in which the charter school or university school for profoundly gifted pupils is located and the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside outside that school district.

Sec. 15. NAC 387.501 is hereby amended to read as follows:

387.501 On or before August 1 of each ***odd-numbered*** year, each school district shall:

1. Review the physical condition of each school within the school district; and

2. Submit the information relating to the physical condition of each school to the State Board of Education in the form and manner prescribed by the Superintendent of Public Instruction.

Sec. 16. NAC 388.180 is hereby amended to read as follows:

388.180 Except as otherwise provided by NAC 387.125, ~~[subsection 2 of NAC]~~ 387.131 ***,*** ~~[and NAC]~~ 387.286 ~~[,]~~ ***and 387.291,*** a school day in session for a unit must consist of the minimum daily periods established for the grade by subsection 1 of NAC 387.131.

Sec. 17. NAC 388.510 is hereby amended to read as follows:

388.510 1. A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department of Education and must address the considerations set forth in NRS 388.537.

2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval ~~[. The board of trustees of a]~~ ***or until the*** school district ~~[shall update]~~ ***revises*** its plan for an alternative program ~~[at least once annually if a substantive change is made to the plan.]~~ ***, whichever is earlier.***

Sec. 18. NAC 388.520 is hereby amended to read as follows:

388.520 1. An alternative program may include a plan to provide for independent study pursuant to NAC 389.710 to 389.750, inclusive.

2. A plan to provide for independent study must include:

(a) A description of the pupils targeted for enrollment in courses of independent study.

(b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.

(c) The names of the courses of independent study to be taught.

(d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in NAC ***387.195 and*** 389.720.

(e) A statement of the maximum period allowed to complete the courses of independent study.

(f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

Sec. 19. NAC 388.825 is hereby amended to read as follows:

388.825 1. The Department shall prescribe the form for an application for inclusion of a course of distance education on the list of approved distance education courses prepared and published by the Department. The Department shall not accept or review an application for a course that contains a commercial advertisement. Each application must include:

(a) The name of the person or entity that is the provider of the course of distance education;

(b) The original signature of the person or authorized representative of the entity submitting the application;

(c) If applicable, the date on which the application was approved by the board of directors, board of regents, board of trustees or other governing body of the entity that submitted the application;

(d) If applicable, a description of the regional or national accreditation status attained by the entity that submitted the application and the date on which such accreditation was granted; and

(e) For each course identified in the application:

(1) The specific title of the course;

(2) The amount of credit to be awarded for successful completion of the course;

(3) The number of instructional hours provided as part of the course;

(4) A description of the course, including, without limitation, the syllabus for the course, a list of each textbook that will be used for the course and any supplemental materials that will be used for the course;

(5) A description of the method used for delivery of instruction, including, without limitation, the method by which a teacher will meet or otherwise communicate with each pupil enrolled in the course at least once each week to discuss the pupil's progress;

(6) A description of the manner by which the academic achievement of pupils enrolled in the course will be assessed and the criteria that will be used to determine the grades assigned to pupils who complete the course;

(7) If the subject area offered by the course is a subject area for which the State Board of Education has:

(I) Adopted standards of content and performance , ~~[pursuant to NRS 389.520,]~~ documentation which demonstrates that the course is aligned with those standards; or

(II) Otherwise adopted regulations setting forth the requirements for the subject area offered by the course, documentation which demonstrates that the course is aligned with those requirements;

(8) If available at the time the application is submitted, the name of the teacher who will provide instruction for the course and, if the course is a core academic subject, as defined in NRS 389.018, a copy of the license of the teacher;

(9) If a teacher has not been identified at the time the application is submitted, a description of the qualifications that will be used to employ a teacher for the course; and

(10) The name, address and telephone number of the person who will administer the course.

2. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice of its approval or denial of the application to the applicant. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department.

3. Except as otherwise provided in NAC 388.860, if a course is approved pursuant to this section, the approval is valid for 3 years, commencing with the date on which the course is first included on the list of approved distance education courses published by the Department. The Department shall prescribe forms for the renewal of an application. A provider of a course of distance education must submit an application for renewal to the Department at least 60 days before the expiration of the approval to maintain the course on the list of approved distance education courses.

4. If a provider of a course of distance education intends to change or modify the course with regard to the items set forth in subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the course without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the course.

Sec. 20. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of

each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by NRS 390.105 **;** ~~[and 390.700;]~~

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in ~~[this]~~ subsection ***6*** and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for ~~[3]~~ ***5*** years after the date of approval ~~[.]~~ ***or until the school district revises the procedures or program, whichever is earlier.***

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a

new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Public Charter School Authority, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 21. NAC 389.034 is hereby amended to read as follows:

389.034 "Semester" means one of ~~[the]~~ two ~~[academic terms]~~ ***instructional periods*** that make up the school year at a school ~~[that offers a traditional 9-month school schedule.]~~ ***, as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.***

Sec. 22. NAC 389.036 is hereby amended to read as follows:

389.036 "Trimester" means one of ~~[the]~~ three ~~[academic terms]~~ ***instructional periods*** that make up the school year at a school ~~[that offers a 12-month school program or a school program involving alternative scheduling whose regular academic year consists of three terms.]~~ ***, as***

described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.

Sec. 23. NAC 389.040 is hereby amended to read as follows:

389.040 "Unit of credit" means an amount of credit which is awarded to a pupil for successful completion of a course containing ~~[at]~~ ***:***

1. At least 120 hours of instruction ~~[or the]~~ ***;***

2. The equivalent ~~[.]~~ ***amount of instruction in a course provided through a program of special education for which an exception to the minimum daily period required by subsection 1 of NAC 387.131is permitted by the pupil's individualized education program; or***

3. The equivalent amount of instruction in a course provided through a program for which the Superintendent of Public Instruction has approved an exception to the minimum daily period pursuant to subsection 3 of NAC 387.131.

Sec. 24. NAC 389.659 is hereby amended to read as follows:

389.659 1. If a pupil enrolls in the 9th grade:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** the pupil must:

(1) Earn a minimum of 5 units of credit or complete 2 semesters of high school to be promoted to the 10th grade.

(2) Earn a minimum of 11 units of credit or complete 4 semesters of high school to be promoted to the 11th grade.

(3) Earn a minimum of 17 units of credit or complete 6 semesters of high school to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if the pupil transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

2. ***The requirements set forth in paragraph (a) of subsection 1 apply to all pupils, including, without limitation, those enrolled in approved programs of competency-based education or distance education or in an innovation school.***

3. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) The superintendent determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if the superintendent determines that extenuating circumstances exist.

Sec. 25. NAC 389.668 is hereby amended to read as follows:

389.668 ***1.*** A high school which provides instruction in fractional time units may grant credit proportionately to the requirements for basic units of credits, but the school may not record less than one-fourth of a unit.

2. An innovation school or a school providing a program of competency-based education may use fractional time units to grant credit based on the demonstrated proficiency of the pupil in a course of study. Such a school may not use a fractional time unit that measures less than one-fourth of a unit.

Sec. 26. NAC 389.840 is hereby amended to read as follows:

389.840 The successful completion by a pupil of the standards for college readiness set forth in NAC 389.835 is a strong indication:

1. That the pupil is ready to participate successfully as a freshman who is enrolled in a postsecondary educational institution as a full-time student.

2. That the pupil has:

(a) Attained high academic achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;

(b) Cognitive skills, including, without limitation, logical reasoning skills and linguistic expression skills, that are developed through achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;

(c) Ancillary academic skills relating to study habits and self-direction;

(d) An awareness of the expectations for behavior in an academic environment; ~~[and]~~

(e) Adequate test scores based upon the benchmark test scores established by the Board of Regents of the University of Nevada that should enable a pupil to avoid being placed in remedial classes as a postsecondary student ~~[.]~~ ***; and***

(f) Demonstrated competencies which align with the Nevada Portrait of a Learner.

3. As used in this section, "Nevada Portrait of a Learner" means the framework published by the Department on its Internet website at the address https://doe.nv.gov/offices/office-of-teaching-and-learning/future-of-learning-network.

Sec. 27. NAC 390.051 is hereby amended to read as follows:

390.051 "Semester" means one of ~~[the]~~ two ~~[academic terms]~~ ***instructional periods*** that make up the school year at a school ~~[that offers a traditional 9-month school schedule.]~~ ***, as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.***

Sec. 28. NAC 387.015 and 387.293 are hereby repealed.

TEXT OF REPEALED SECTIONS

387.015 "Average daily attendance" defined. (NRS 385.080) "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

387.293 Pupil instructed through correspondence by licensed teacher. (NRS 385.080, 387.123)

1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once each week for instructional purposes.

2. For reporting attendance, the school district may consider the pupil to be in full attendance if the teacher and the pupil meet or otherwise communicate with each other at least once each week for instructional purposes.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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NEVADA DEPARTMENT OF EDUCATION

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R079-25, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 387, 388, 389, and 390:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Department identified the need for clarity and alignment across programs during the course of conversations with districts and charter schools through the Calendar, Credit, and Instructional Time Collaborative. At this time, local education agencies requested clarifications and consistency across programs such as distance education, alternative education, etc., as well as consistent definitions, expectations, and processes where possible. This regulation reflects the Department's efforts to be responsive to local education agency needs and ensure a consistent and clear regulatory record.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response may be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R079-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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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 R079-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:08 PM** on **Wednesday, April 22, 2026,** 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 387, 388, 389, and 390.

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:** Executive Order 2023-03 requires that agencies review their regulations for opportunities to streamline or clarify the language.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides clear and consistent language across chapters and education programs to streamline and align regulatory provisions.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 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	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. 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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE.** *(For possible action)*
   The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING** *(For possible action)*
   The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.
   - Michael Mitchell, Director, Office of Early Learning and Development

5. **9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS.** *(For possible action)*
   The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments

6. **9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

7. **9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to the time used for administering and preparing for assessments.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

8. **9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME** *(For possible action)*
   The proposed changes relate to school calendars and instructional time.
   - Amelia Thibault, Director, Office of Division Compliance

9. **9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION (***For possible action)*
   The proposed changes relate to programs of personalized, competency-based education.
   - Amelia Thibault, Director, Office of Division Compliance

10. **9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION (***For possible action)*
    The proposed changes relate to programs of school innovation.
    - Amelia Thibault, Director, Office of Division Compliance

11. **9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY (***For possible action)*
    The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
    - Amelia Thibault, Director, Office of Division Compliance

12. **9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS (***For possible action)*
    The proposed changes relate to petitions to eliminate statutory and regulatory reports.
    - Amelia Thibault, Director, Office of Division Compliance

13. **9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*
The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. 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.

15. 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
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:08 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387, 388, 389, and 390, inclusive, for the purposes of providing cleanup, alignment, and clarity within and across regulatory processes.

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 leading up to and for the duration of the workshop.

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.

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: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387, 388, 389, and 390, inclusive.

The proposed regulation regarding cleanup, alignment, and clarity of language across regulatory processes is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R082-25

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

AUTHORITY: § 1, NRS 385.080 and 388.253.

A REGULATION relating to education; requiring the Department of Education to identify or develop best practices, models or frameworks for a model plan for the management of a crisis, emergency, suicide or any other hazard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an emergency operations plan development committee established by the board of trustees of a school district or the governing body of a charter school to develop a plan to be used by the schools within the school district or the charter school, as applicable, in responding to a crisis, emergency, suicide or any other hazard. (NRS 388.243) Existing law similarly requires an emergency operations plan development committee established by the governing body of a private school to develop such a plan. (NRS 394.1687) Existing law requires the Department of Education to develop a model plan for the management of a crisis, emergency, suicide or any other hazard. (NRS 388.253) This regulation requires the Department to identify best practices, models or frameworks that the Department determines to be nationally accepted and that address the required contents of the model plan. If the Department determines that it cannot identify such a nationally accepted best practice, model or framework, this regulation requires the Department to develop an appropriate best practice, model or framework in consultation with certain stakeholders. This regulation also requires that the best practice, model or framework identified or developed by the Department be presented to the State Board of Education and posted on the Internet website of the Department, with certain exceptions.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When developing, reviewing or updating a model plan for the management of a crisis, emergency, suicide or any other hazard pursuant to NRS 388.253, the Department shall, to the extent possible, identify best practices, models or frameworks that the Department determines

to be nationally accepted and that address the provisions of NRS 388.253. If the Department determines that it cannot identify such a nationally accepted best practice, model or framework, the Department shall consult with relevant stakeholders to develop an appropriate best practice, model or framework for use by the board of trustees of a school district, governing body of a charter school or governing body of a private school, as applicable, for addressing the provisions of NRS 388.253. To the extent consistent with NRS 388.241, 394.1685 and other applicable provisions of law, relevant stake holders may include, without limitation:

(a) Another state agency, including any identified in subsection 1 of NRS 388.253;

(b) A member of the State Board, the board of trustees of a school district or the governing body of a charter school or private school in this State;

(c) Educational personnel employed in a public or private school in this State;

(d) A local association or organization of parents and legal guardians whose children are enrolled in a public or private school in this State;

(e) A parent or legal guardian of a child enrolled in a public or private school in this State;

(f) A representative of a state or local organization for emergency management;

(g) A mental health professional, including, without limitation:

(1) A school counselor at a public or private school in this State;

(2) A school psychologist at a public or private school in this State; or

(3) A licensed social worker at a public or private school in this State;

(h) A provider of health care who has specific skills, training and experience in responding to medical emergencies; or

(i) A pupil in grade 10 or higher who is enrolled in a public or private school in this State.

2. Except as otherwise provided in NRS 388.259, 388.261, 394.1698 and 394.1699, a best practice, model or framework identified or developed pursuant to subsection 1 must be presented to the State Board and posted on the Internet website maintained by the Department. Any information presented to the State Board or posted on the Internet website maintained by the Department pursuant to this subsection must not include confidential information protected pursuant to NRS 388.259 or 394.1698.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 388.241.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R082-25, Adopted by the Nevada State Board of Education
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:**
   NRS 388.253 requires that the Department develop model plans for the management of a crisis, emergency, suicide, or other hazard.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response may be summarized as follows: inquiry to NDE regarding how best practices are selected and how nuance will be accounted for across different scenarios or contexts. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**1**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   Alexandra Andress, 2428 Crane Ct., North Las Vegas NV 89084; hoopsa@hawaii.edu; Individual.

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

This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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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 R082-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:02 PM** on **Wednesday, April 22, 2026,** 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 388.253 requires that the Department develop model plans for the management of a crisis, emergency, suicide, or other hazard.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation requires the Department to determine nationally accepted best practices, models, or frameworks for the development of model plans for the management of a crisis, emergency, suicide, or other hazard.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 2025
9:00 AM

Office			
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 Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. 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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE.** *(For possible action)*
   The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING** *(For possible action)*
   The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.
   - Michael Mitchell, Director, Office of Early Learning and Development

5. **9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS.** *(For possible action)*
   The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments

6. **9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

7. **9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS (***For possible action)*
   The proposed changes relate to the time used for administering and preparing for assessments.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

8. **9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME** *(For possible action)*
   The proposed changes relate to school calendars and instructional time.
   - Amelia Thibault, Director, Office of Division Compliance

9. **9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION (***For possible action)*
   The proposed changes relate to programs of personalized, competency-based education.
   - Amelia Thibault, Director, Office of Division Compliance

10. **9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION (***For possible action)*
    The proposed changes relate to programs of school innovation.
    - Amelia Thibault, Director, Office of Division Compliance

11. **9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY (***For possible action)*
    The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
    - Amelia Thibault, Director, Office of Division Compliance

12. **9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS (***For possible action)*
    The proposed changes relate to petitions to eliminate statutory and regulatory reports.
    - Amelia Thibault, Director, Office of Division Compliance

13. **9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*
The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. 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.

15. 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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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:00 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding model plans to respond to a crisis, emergency, or suicide.

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 leading up to and for the duration of the workshop.

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 Nevada State Library and Archives. Copies of this notice will also be emailed 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: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX.

The proposed regulation regarding model plans to respond a crisis, emergency, or suicide, is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

R092-25

ADOPTED REGULATION OF THE

STATE BOARD OF OSTEOPATHIC MEDICINE

LCB File No. R092-25

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

AUTHORITY: §§ 1 and 2, NRS 633.291 and 633.471; §§ 3 and 4, NRS 633.291 and 633.434; § 5, NRS 633.291, 633.4252, 633.434 and 633.501; §§ 6 and 7, NRS 633.291, 633.434 and 633.501.

A REGULATION relating to osteopathic medicine; making various changes to conform to certain legislation providing for the biennial renewal of certain licenses issued by the State Board of Osteopathic Medicine rather than the annual renewal of such licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 56 of the 2025 Legislative Session (A.B. 56) revised existing law to require: (1) an osteopathic physician or a physician assistant licensed by the State Board of Osteopathic Medicine to renew his or her license biennially rather than annually; and (2) an osteopathic physician to complete at least 40 hours of continuing education each biennium rather than at least 35 hours of continuing education each year. (NRS 633.433 and 633.471, as amended by sections 9 and 12, respectively, of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 98). **Sections 1 and 3** of this regulation incorporate those changes into existing regulations relating to continuing education for osteopathic physicians and physician assistants. Specifically: (1) **section 1** requires an osteopathic physician who is renewing his or her license after December 31, 2026, to have completed 40 hours of continuing education each biennium rather than 35 hours of continuing education each year; and (2) **section 3** requires a physician assistant who is renewing his or her license after December 31, 2027, to have completed 40 hours of continuing education each biennium rather than 20 hours of continuing education each year. **Sections 2, 4 and 7** of this regulation eliminate provisions governing continuing education requirements that apply on or before December 31, 2026, and on or before December 31, 2027, respectively, on the dates when those provisions become obsolete.

A.B. 56 doubled the maximum amount of the fees that the Board may charge for the issuance and renewal of a license as an osteopathic physician or physician assistant so that the Board may continue to collect the same amount of fees when licenses are renewed biennially rather than annually. A.B. 56 also newly authorized the Board to charge fees for the renewal of a license as an anesthesiologist assistant. (NRS 633.501, as amended by section 18 of Assembly

Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 104) **Section 5** of this regulation accordingly doubles the current fees for the issuance or renewal of a license as an osteopathic physician or physician assistant and adds new fees for the renewal of a license as an anesthesiologist assistant. **Section 5** also adds a separate, specific fee for the simultaneous renewal of a license as a physician assistant who is also licensed by the Board of Medical Examiners. That separate fee is equal to the fee for the renewal of a license for a physician assistant who is not also licensed by the Board of Medical Examiners. **Section 6** of this regulation provides that the Board will prorate the fee set forth in **section 5** for the renewal of a license as a physician assistant during the transition from annual renewal of licensure to biennial renewal of licensure, as required by A.B. 56. (Section 20 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 105)

FIRST PARALLEL SECTION

Section 1. NAC 633.250 is hereby amended to read as follows:

633.250 1. Each osteopathic physician applying for renewal of his or her license shall provide to the Board any certificates of completion or other proof satisfactory to the Board demonstrating that ***:***

(a) If he or she is applying to renew his or her license on or before December 31, 2026, he or she has attended during the preceding year at least 35 hours of continuing education courses or programs approved by the Board, which must include at least:

~~[(a)]~~ ***(1)*** Ten hours of category 1A courses; and

~~[(b)]~~ ***(2)*** Two hours that relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

(b) If he or she is applying to renew his or her license after December 31, 2026, he or she has attended during the preceding biennium at least 40 hours of continuing education courses or programs approved by the Board, which must include at least:

(1) Twenty hours of category 1A courses; and

(2) Four hours that relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

2. On or after July 1, 2018, each osteopathic physician shall, not later than 2 years after initial licensure and at least once every 4 years thereafter, attest to the Board when applying for renewal of his or her license that he or she has received the instruction on evidence-based suicide prevention and awareness required by NRS 633.471.

3. As used in this section, "category 1A course" means a course of continuing medical education that is offered by a sponsor accredited to offer such a course by the American Osteopathic Association or the Accreditation Council for Continuing Medical Education.

SECOND PARALLEL SECTION

Sec. 2. NAC 633.250 is hereby amended to read as follows:

633.250 1. Each osteopathic physician applying for renewal of his or her license shall provide to the Board any certificates of completion or other proof satisfactory to the Board demonstrating that ~~[~~:

~~(a) If he or she is applying to renew his or her license on or before December 31, 2026, he or she has attended during the preceding year at least 35 hours of continuing education courses or programs approved by the Board, which must include at least:~~

~~(1) Ten hours of category 1A courses; and~~

~~(2) Two hours that relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.~~

~~(b) If he or she is applying to renew his or her license after December 31, 2026,]~~ he or she has attended during the preceding biennium at least 40 hours of continuing education courses or programs approved by the Board, which must include at least:

~~[(1)]~~ ***(a)*** Twenty hours of category 1A courses; and

~~[(2)]~~ ***(b)*** Four hours that relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

2. ~~[On or after July 1, 2018, each]~~ ***Each*** osteopathic physician shall, not later than 2 years after initial licensure and at least once every 4 years thereafter, attest to the Board when applying for renewal of his or her license that he or she has received the instruction on evidence-based suicide prevention and awareness required by NRS 633.471.

3. As used in this section, "category 1A course" means a course of continuing medical education that is offered by a sponsor accredited to offer such a course by the American Osteopathic Association or the Accreditation Council for Continuing Medical Education.

FIRST PARALLEL SECTION

Sec. 3. NAC 633.285 is hereby amended to read as follows:

633.285 1. The license of a physician assistant ***that is renewed on or before December 31, 2025,*** is valid for 1 year and may be renewed ~~[annually.]~~ ***on or before the date set forth in the license. The license of a physician assistant that is renewed after December 31, 2025, may be renewed as provided in NRS 633.433.***

2. An application to renew a license of a physician assistant must be submitted to the Board not less than 30 days before the expiration of the license. The application must be accompanied by the nonrefundable ~~[annual]~~ license renewal fee for a physician assistant prescribed in NAC 633.335.

3. A license of a physician assistant will not be renewed unless the physician assistant provides to the Board satisfactory proof of:

(a) Current certification by the National Commission on Certification of Physician Assistants; and

(b) Completion by the physician assistant of ***:***

(1) If the physician assistant is renewing his or her license before December 31, 2027, at least 20 hours of continuing medical education as defined by the American Academy of Physician Associates, at least 2 hours of which must relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

(2) If the physician assistant is renewing his or her license on or after December 31, 2027, at least 40 hours of continuing medical education as defined by the American Academy of Physician Associates, at least 4 hours of which must relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

4. A physician assistant shall notify the Board within 10 days after receipt of notification that his or her certification by the National Commission on Certification of Physician Assistants was withdrawn.

5. An expired license of a physician assistant will not be renewed unless:

(a) The requirements for renewal prescribed in this section are met; and

(b) The Executive Director approves the renewal.

6. The Board will revoke a license that the Board has suspended if the license expires during the period of suspension and the physician assistant fails to renew the license pursuant to this section.

SECOND PARALLEL SECTION

Sec. 4. NAC 633.285 is hereby amended to read as follows:

633.285 1. The license of a physician assistant ~~[that is renewed on or before December 31, 2025, is valid for 1 year and may be renewed on or before the date set forth in the license. The license of a physician assistant that is renewed after December 31, 2025,]~~ may be renewed as provided in NRS 633.433.

2. An application to renew a license of a physician assistant must be submitted to the Board not less than 30 days before the expiration of the license. The application must be accompanied by the nonrefundable ***biennial*** license renewal fee for a physician assistant prescribed in NAC 633.335.

3. A license of a physician assistant will not be renewed unless the physician assistant provides to the Board satisfactory proof of:

(a) Current certification by the National Commission on Certification of Physician Assistants; and

(b) Completion by the physician assistant of ~~[~~:

~~(1) If the physician assistant is renewing his or her license before December 31, 2027, at least 20 hours of continuing medical education as defined by the American Academy of Physician Associates, at least 2 hours of which must relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.~~

~~(2) If the physician assistant is renewing his or her license on or after December 31, 2027,]~~ at least 40 hours of continuing medical education as defined by the American Academy of Physician Associates, at least 4 hours of which must relate to the misuse and abuse of controlled substances, the prescribing of opioids or addiction.

4. A physician assistant shall notify the Board within 10 days after receipt of notification that his or her certification by the National Commission on Certification of Physician Assistants was withdrawn.

5. An expired license of a physician assistant will not be renewed unless:

(a) The requirements for renewal prescribed in this section are met; and

(b) The Executive Director approves the renewal.

6. The Board will revoke a license that the Board has suspended if the license expires during the period of suspension and the physician assistant fails to renew the license pursuant to this section.

Sec. 5. NAC 633.335 is hereby amended to read as follows:

633.335 1. Except as otherwise provided in subsection 3, the Board will charge and collect the following fees:

Application and initial license fee for an osteopathic physician ..... ~~[$500]~~ ***$1000***

~~[Annual]~~ ***Biennial*** license renewal fee for an osteopathic physician..... ~~[350]~~ ***700***

Temporary license fee 200

Special or authorized facility license fee.....200

Special or authorized facility license renewal fee 200

Special event license fee.....200

Late payment fee for an osteopathic physician, physician assistant or anesthesiologist assistant whose license is currently on active status 200

Application and initial license fee for a physician assistant.....~~[300]~~ ***600***

Application and initial simultaneous license fee for a physician assistant.....300

~~[Annual]~~ ***Biennial*** license renewal fee for a physician assistant .....~~[150]~~ ***300***

Biennial simultaneous license renewal fee for a physician assistant 300

Application and initial license fee for an anesthesiologist assistant 400

Application and initial simultaneous license fee for an anesthesiologist assistant.....200

Biennial license renewal fee for an anesthesiologist assistant.....400

Biennial simultaneous license renewal fee for an anesthesiologist assistant.....200

Application and temporary license fee for an anesthesiologist assistant 200

Inactive license fee .....~~[200]~~ ***400***

Late payment fee for an osteopathic physician, physician assistant or anesthesiologist assistant whose license is currently on inactive status.....150

2. The Board will charge and collect a fee for fingerprints submitted to the Board pursuant to NRS 633.309 that is equal to the total amount of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprints of an applicant and issuance of the reports of criminal histories.

3. The Board will reduce by one-half the appropriate application and initial license fee prescribed in subsection 1 for an applicant who ~~[:~~

~~(a) Applies~~] ***applies*** for an initial license as an osteopathic physician **,** ~~[or]~~ a physician assistant ~~[that will expire less than 6 months after the date of issuance of the license; or~~

~~(b) Applies for an initial license as~~] ***or*** an anesthesiologist assistant that will expire less than 12 months after the date of issuance of the license.

Sec. 6. 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:

Notwithstanding the amendatory provisions of section 5 of this regulation, the State Board of Osteopathic Medicine will prorate the fee set forth in NAC 633.335, as amended by section 5 of this regulation, in the manner required by subsection 2 of section 20 of Assembly Bill No. 56, chapter 18, Statutes of Nevada 2025, at page 105, for the renewal on or before December 31, 2026, of a license as a physician assistant which was held by a licensee on December 31, 2025.

Sec. 7. 1. This section and sections 1, 3, 5 and 6 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 2 of this regulation becomes effective on January 1, 2027.

3. Section 4 of this regulation becomes effective on January 1, 2028.

Informational Statement Form-revised – R092-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 633.

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

The proposed additions and modifications to Nevada Administrative Code ("NAC") Chapter 633 are necessary to ensure compliance of the Nevada State Board of Osteopathic Medicine ("the "Board") with the requirements of newly passed Assembly Bill ("A.B.") 56, signed into law in June 2025. These draft additions and modifications create requirements set forth in NAC 633 relating to osteopathic medicine; making various conforming changes providing for biennial license renewals for certain licensees rather than annual renewal of such licenses; making various conforming changes providing for continuing education requirements for osteopathic physicians and physician assistants necessary for renewal of such licenses; and making various conforming changes to the amount of certain fees the Board may charge, including the fees for the issuance and renewal of licenses for osteopathic physicians and physician 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 Nevada State Board of Osteopathic Medicine's (the "Board") draft regulation and workshop notice were sent by email 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 Board, available at https://bom.nv.gov, and the website of the State of Nevada's Legislative Council Bureau ("LCB"), available at Legislative Counsel Bureau (state.nv.us).

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's draft of proposed regulations were sent to the following organizations on October 24, 2025:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Mountain West Better Business Bureau (Northern Nevada)
- Reno / Sparks Chamber of Commerce
- City of Winnemucca
- Great Basin College
- Rural Nevada Development Corporation
- Nevada Small Business Development Center (at UNR)

- Churchill Fallon Economic Development
- Nevada State Medical Association
- Washoe County Medical Association
- Clark County Medical Society
- Nevada Academy of Physician Assistants

On March 11, 2026, the Board issued a Notice of Intent to Act Upon a Regulation, providing the proposed amendments/additions and inviting comments, questions and suggestions at an upcoming hearing of the Board on R092-25. As scheduled, a hearing was held with regard to the proposed amendments/additions to the regulations referenced herein on April 16, 2026 at 1:00 p.m, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. At this workshop, other than Board staff, no members of the public were in attendance. No person asked to speak, nor were any public questions received. Board Executive Director, Frank DiMaggio ("DiMaggio") did provide background on the purpose and need for the proposed amendments/revisions to NAC Chapter 633 into the record for the workshop, as the minutes for the workshop so reflect.

Other interested parties may obtain a copy of the summary of the public response by accessing e Minutes of the Public Hearing on R092-25 held on April 16, 2026, by accessing the website of the Board at https://bom.nv.gov/uploadedFiles/bomnvgov/content/Meetings/HearingsAndWorkshops/April%2016,%202026%20Minutes%20of%20Public%20Meeting%20for%20Regulation%20Hearing-R092-25.pdf

On May 12, 2026, an appropriately noticed public hearing in conjunction with a regular meeting of the Board wherein the Board voted unanimously to approve and adopt R092-25.

3. The number persons who:

(a) Attended each hearing: April 16, 2026: 0 (other than Board staff and counsel). November 14, 2025: (other than Board staff and counsel) 0.

(b) Testified at each hearing: April 16, 2026: 0 (other than Board staff and counsel). November 14, 2025: (other than Board members, staff and counsel) 0.

(c) Submitted to the agency written comments: No written comments were submitted to the agency.

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. No one attended as set forth above in #3.

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. See 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.** On May 12, 2026, an appropriately noticed public hearing in conjunction with a regular meeting of the Board wherein the Board voted unanimously to approve and adopt R092-25. The proposed regulation was adopted without change as it complies with the requirements of AB 56 and no public comment was given regarding the proposed regulation.

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) None.

   (b) None.

   See Small Business Impact Statement for R092-25, attached hereto.

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 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.**

    There are certain "new" fees (such as the special event license fee, biennial simultaneous license renewal fee for Physician Assistant, biennial license renewal fee for Anesthesiologist Assistant, and biennial simultaneous license renewal fee for Anesthesiologist Assistant), all for which the agency expect to collect a total annual amount of $3,000.00. The money will be used to offset licensing staff salaries and other related Board expenses.

SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED AMENDMENTS TO NAC 633

Effective date of Regulation:

Upon filing with the Nevada Secretary of State

1. Background:

The proposed amendments (modifications) to existing regulations in Nevada Administrative Code ("NAC") Chapter 633 are necessary to ensure compliance of the Nevada State Board of Osteopathic Medicine ("the "Board") with the requirements of newly passed Assembly Bill ("A.B.") 56, signed into law in June 2025. These draft amendments (modifications) amend the following regulations set forth in NAC Chapter 633: NAC 633.250 regarding requirements for continuing education required for the renewal of an osteopathic physician's license; NAC 633.285 regarding the period of validity of the physician assistant license and requirements for continuing education required for renewal of a physician assistant license; and NAC 633.335 regarding various licensing and renewal fees for licenses issued by the Board.

2. Description of Solicitation:

Copies of the Nevada State Board of Osteopathic Medicine's (the "Board") draft regulation and workshop notice were sent by U.S. Mail and/or 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 Board, available at https://bom.nv.gov, and the website of the State of Nevada's Legislative Council Bureau ("LCB"), available at Legislative Counsel Bureau (state.nv.us).

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's draft of proposed regulations were sent to the following organizations on October 24, 2025:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Mountain West Better Business Bureau (Northern Nevada)
- Reno / Sparks Chamber of Commerce
- City of Winnemucca
- Great Basin College
- Rural Nevada Development Corporation
- Nevada Small Business Development Center (at UNR)
- Churchill Fallon Economic Development
- Nevada State Medical Association
- Nevada Osteopathic Medical Association
- Washoe County Medical Society
- Clark County Medical Society
- Nevada Academy of Physician Assistants

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 amendments (modifications) to NAC 633 do not impose a direct and significant burden upon small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulation amendments (modifications) have been created to implement the provisions of Assembly Bill ("A.B.") 56, which were passed in the 2025 Session of the Nevada Legislature.

4. **How Was That Conclusion Reached?**

This conclusion was reached after conducting a thorough review of A.B. 56 and the proposed draft of the amendments (modifications) to Chapter 633 of the Nevada Administrative Code. The Board has continued to solicit comment from affected businesses at its regulation workshop held on

November 14, 2025. The Board will update this Small Business Impact Statement should the Board receive more comment and input from affected businesses and individuals.

I, Frank DiMaggio, Executive Director of the Nevada State Board of Osteopathic Medicine certify that, to the best of my knowledge and belief, a concerted effort was made to determine the impact of the proposed amended regulations on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3)).

Dated: November 14, 2025 Signature: _____

Frank DiMaggio, Executive Director

Nevada State Board of Osteopathic Medicine

R094-25

ADOPTED REGULATION OF THE

BOARD OF OCCUPATIONAL THERAPY

LCB File No. R094-25

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

AUTHORITY: § 1, NRS 640A.110; § 2, NRS 640A.110 and 640A.170; § 3, NRS 640A.110 and 640A.200.

A REGULATION relating to occupational therapy; requiring a licensee to provide notification to the Board of Occupational Therapy after certain actions are taken or filed against the licensee; eliminating certain requirements relating to temporary licensing; providing that failing to notify the Board of certain information constitutes unprofessional conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Occupational Therapy to regulate the practice of occupational therapy in this State. (NRS 640A.110) Existing law authorizes the Board, after notice and a hearing, to suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or impose conditions upon the use of that license, if the Board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. Under existing law, "unprofessional conduct" includes the conviction of: (1) a felony or gross misdemeanor relating to the practice of occupational therapy; or (2) any crime involving moral turpitude. (NRS 640A.200) Existing regulations set forth certain other acts that constitute unprofessional conduct by occupational therapists and occupational therapy assistants, including failing to report or otherwise concealing certain information which could result in harm to the public health and welfare. (NAC 640A.350)

Section 1 of this regulation requires a licensee to notify the Board in writing not later than 30 days after: (1) an action is taken against any license, certification, registration or other credential held by the licensee relating to the practice of occupational therapy that was issued in any state or territory of the United States; (2) a criminal charge is filed against the licensee, excluding misdemeanor traffic violations which do not involve alcohol or controlled substances; (3) a civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of occupational therapy; or (4) a judgment, settlement, or final disposition is issued regarding any such action or charge. **Section 3** of this regulation provides that failure to comply with the reporting requirements in **section 1** constitutes unprofessional conduct.

Existing law and regulations prohibit the Board from renewing a temporary or provisional license more than once. (NRS 640A.170; NAC 640A.062, 640A.065) Existing regulations prohibit a person who has previously been issued a temporary license from applying

for another temporary license until 6 months after the expiration of his or her last original or renewed temporary license, as applicable. (NAC 640A.062) **Section 2** of this regulation eliminates this prohibition.

Section 1. Chapter 640A of NAC is hereby amended by adding thereto a new section to read as follows:

A licensee shall notify the Board in writing not later than 30 days after:

1. An action is taken against any license, certification, registration or other credential held by the licensee relating to the practice of occupational therapy that was issued in any state or territory of the United States;

2. A criminal charge is filed against the licensee, excluding misdemeanor traffic violations which do not involve alcohol or controlled substances;

3. A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of occupational therapy; or

4. A judgment, settlement or final disposition is issued regarding any action or charge filed pursuant to this section.

Sec. 2. NAC 640A.062 is hereby amended to read as follows:

640A.062 1. A person who is currently certified as an occupational therapist registered or certified occupational therapy assistant and who holds a license that is active and in good standing as an occupational therapist or occupational therapy assistant issued in another state or territory of the United States may apply to the Board for a temporary license to practice in this state by meeting the requirements set forth in NAC 640A.030.

2. A temporary license expires 6 months after the date on which it is issued.

3. A temporary license may be renewed not more than once.

4. A temporary license may be converted to a standard license if the person:

(a) Meets the requirements set forth in NAC 640A.030 and 640A.041; and

(b) For a temporary license as an occupational therapy assistant, submits proof of employment and supervision by a licensed occupational therapist upon conversion of the license.

~~[5. A person who has previously been issued a temporary license may not apply for another temporary license until 6 months after the expiration of his or her last original or renewed temporary license, as applicable.]~~

Sec. 3. NAC 640A.350 is hereby amended to read as follows:

640A.350 In addition to those acts specified in subsection 4 of NRS 640A.200, the following acts, among others, constitute "unprofessional conduct":

1. Engaging in the practice of occupational therapy when unable to do so with reasonable skill and safety to patients because of the licensee's use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;

2. Being guilty of negligence in the performance of occupational therapy;

3. Allowing another person to use the license issued to the licensee;

4. Failing to report or otherwise concealing information related to a violation of this chapter or NRS 640A.200 which could result in harm to the public health and welfare;

5. Intentionally making or filing a false or misleading report;

6. Failing to file a report which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report;

7. Intentionally harassing, abusing or intimidating a patient, employer, employee, colleague or other person, either physically or verbally, including, without limitation, sexual harassment, abuse or intimidation;

8. Failing to notify the Board of disciplinary action imposed upon the licensee or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;

9. Divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient, unless otherwise required by law;

10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;

11. Violating a provision of the *Occupational Therapy Code of Ethics and Ethics Standards* or the *Standards of Practice for Occupational Therapy*, adopted by reference in NAC 640A.205;

12. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;

13. Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;

14. Advertising in a manner that tends to deceive or mislead the public or advertising deceptive or misleading information;

15. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license;

16. Misrepresenting or falsifying credentials, including, without limitation, those relating to education, training, experience and areas of competency;

17. Practicing or offering to practice beyond the scope authorized by law;

18. Performing professional services which the occupational therapist knows he or she is not competent to perform;

19. Performing a pelvic examination or any other internal examination of a patient without first obtaining the informed, written consent of the patient; ~~[or]~~

20. Touching a patient for a sexual purpose or in any way unnecessary for a treatment intervention ~~[.]~~ ***; or***

21. Failing to report timely to the Board any judgment, settlement or final disposition required to be reported pursuant to section 1 of this regulation.

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

LCB FILE R094-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 640A.

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

The need for the adopted regulation is to incorporate regulatory additions and revisions deemed necessary by the Board. The regulation adds a new section requiring licensees to notify the Board within 30 days after certain actions are taken or filed against the licensee. NAC 640A.062 removes the requirement for a person who has previously been issued a temporary license from applying for another temporary license until 6 months after the expiration of the initial or renewed temporary license. NAC 640A.350 amends unprofessional conduct to include failing to report to the Board any judgment, settlement, or final disposition pursuant to section 1.

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.

Copies of the proposed regulation, notice of workshop and notice of intent to act upon the regulation were sent by e-mail to persons who were known to have an interest in occupational therapy as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Occupational Therapy, www.nvot.org, and posted at the following locations:

Board of Occupational Therapy, Administrative Office
6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
https://www.leg.state.nv.us/App/Notice/A/ - Nevada Legislature Administrative Notices
https://notice.nv.gov/ - State of Nevada Public Notices
http://www.leg.state.nv.us/register/ - State of Nevada Register of Administrative Regulations

A Workshop was held to solicit comments on the proposed regulations on January 24, 2026. There were four (4) individuals from the public in attendance at the workshop. Thereafter, on or about February 12, 2026 a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on March 21, 2026**.** There were no written comments. There were no public comments provided at the Hearing. There were four (4) individuals representing the public.

A copy of this summary of the public response to the adopted regulations may be obtained from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 775-746-4101, or email to board@nvot.org.

3. The number of persons who:

(a)	**Attended each workshop:**	January 24, 2026	4
(b)	**Attended public hearing:**	March 21, 2026	4
(c)	**Testified at hearing:**	March 21, 2026	0
(d)	**Submitted written comments:**		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) Lea Cartwright, Cartwright NV Government Affairs
b) Matt Olivier, OT
c) Angela Terencio, OT
d) Julia Graham, OT

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 small businesses, specifically licensed occupational therapists who are owners, operators or provide occupational therapy services as self-employed practitioners, by notification of work session on proposed regulation content on November 8, 2025. Additionally, comments were solicited at the Public Workshop held on January 24, 2026.

The proposed regulation incorporates recommendations received at the work session, public workshop, and public hearing.

The Board considered the public comments received from all parties in making a determination that the occupational therapy practitioners regulated by the Board will not have their practice impacted nor will there be an impact on a small business due to the nature of the regulatory changes.

A copy of this summary of the public response to the adopted regulations may be obtained from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 775-746-4101, or email to board@nvot.org .

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

The Board of Occupational Therapy adopted the regulation on **March 21, 2026.** The Board determined the regulation was appropriate and necessary and that undue burden is not placed upon licensees as a result of the provisions of the regulation.

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

There will **be no significant adverse economic effect of these adopted regulations** on the businesses which it is to regulate (occupational therapists and occupational therapy assistants) nor the public. The adopted regulations will benefit the occupational therapy practitioners and the public by clarifying requirements and eliminating unnecessary licensure requirements.

(b) Both immediate and long-term effects.

Immediate effect will be improved administration through clarification of existing law and regulatory requirements. Long-term effect will be clarity and consistency in regulation of occupational therapy practitioners in Nevada.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There are no additional costs involved in the enforcement of these adopted regulations.

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

The Board of Occupational Therapy is not aware of any similar regulations of other state or government agencies that the adopted regulations overlap or 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.

The Board of Occupational Therapy is not aware of any similar federal regulations of the same activity in which the adopted regulations are 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.

The regulation does not include a new fee or an increase in existing fees.

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

Board of Occupational Therapy
R094-25

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.

Comments were solicited from small businesses, specifically licensed occupational therapists who are owners, operators or provide occupational therapy services as self-employed practitioners, by notification. Additionally, comments were solicited at all public Board meetings, at a Public Workshop held on January 24, 2026, and at a Public Hearing on Board regulations held on March 21, 2026.

No public comments were received at the workshop and public hearing.

Copies of the proposed regulation and notice of workshop were sent by e-mail to persons who were known to have an interest in occupational therapy as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Board of Occupational Therapy, www.nvot.org, and posted at the following locations:

Notice of Workshop:

Board of Occupational Therapy, Administrative Office
6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
https://www.leg.state.nv.us/App/Notice/A/ - Nevada Legislature Administrative Notices
https://notice.nv.gov/ - State of Nevada Public Notices
http://www.leg.state.nv.us/register/ - State of Nevada Register of Administrative Regulations

A copy of this summary of the public response to the proposed regulations may be obtain from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 775-746-4101, or email to board@nvot.org .

2. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses.

In making this determination, the Board considered the comments received during workshops, hearings and meetings of the Board resulting in a determination that occupational therapy practitioners regulated by the Board will not have their practice impacted nor will there be an impact on 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; and

(b) Both direct and indirect effects.

(a) Both adverse and beneficial effects

There will **be no significant adverse economic effect of these adopted regulations** on the businesses which it is to regulate (occupational therapists and occupational therapy assistants) or the public. The adopted regulations will benefit the occupational therapy practitioners and the public by providing clarification in the regulations.

(b) Both direct and indirect effects.

Immediate effect will be improved administration through clarification of existing law and regulatory requirements. Long-term effect will be clarity and consistency in regulation of occupational therapy practitioners in Nevada.

4. As amended during the 2025 Legislative Session, NRS 233B.0608 and NRS 233B.0609 requires the following information:

(a) The total number of small businesses likely to be affected by the proposed regulation; and

(b) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to paragraph (b) of subsection 2 of NRS 233B.0608.

(a) The total number of small businesses that would be affected is zero, as the regulation is regarding temporary license revisions and self-reporting requirements.

(b) The information was not practicable. Licensees were notified of the regulation. A small percentage of licensees are independent business owners. The Board did not receive any comments from the licensees that are business owners and that hold Nevada business licenses.

5. 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 used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the revisions. No other methods were utilized.

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

There are no additional costs involved in the enforcement of these adopted regulations.

7. 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 contain an increase in existing fees or new fees.

8. 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 of Occupational Therapy is not aware of any similar federal, state or local standards regulating the practice of Occupational Therapy. These adopted regulations do not duplicate nor are they more stringent than federal, state or local standards.

9. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

The Board of Occupational Therapy regulates the practice of occupational therapy and licenses qualified individuals as occupational therapists and occupational therapy assistants.

The adopted regulation does not impact small businesses as the regulation provides clarity and consistency for the public and individuals regulated pertaining to the requirements to practice occupational therapy in the State of Nevada.

I hereby 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 that this statement was properly prepared and the information contained herein is accurate.

Heather Hartley, Executive Director

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R097-25

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

AUTHORITY: §§ 1 and 2, NRS 391.019.

A REGULATION relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other education personnel. (NRS 391.019) Existing regulations establish the qualifications for a person to receive from the Department of Education an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age. However, existing regulations do not require a person to have such an endorsement to provide those audiological services. (NAC 391.223) **Section 1** of this regulation removes the provision of existing regulations which provides that a person is not required to have an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age and instead requires a person to have an endorsement issued by the Department to provide those audiological services. **Section 2** of this regulation exempts from this requirement a person who is employed, on or before the effective date of this regulation, to provide those audiological services and who remains continuously employed to provide those audiological services.

Section 1. NAC 391.223 is hereby amended to read as follows:

391.223 1. ***Before providing audiological services to pupils who are at least 3 years of age but less than 22 years of age, a person must hold an endorsement issued pursuant to this section.***

2. To receive an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age, a person must hold a:

(a) Certificate of Clinical Competence as an audiologist issued by the American Speech-Language-Hearing Association;

(b) Master's degree in audiology from an institution accredited by a regional accrediting association; or

(c) Master's degree in any subject from an institution accredited by a regional accrediting association and have:

(1) Successfully completed at least 300 hours of supervised clinical experience in audiology or speech-language pathology, or both; and

(2) Earned at least 60 credits in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech-language pathology. At least 24 credits, not including credits earned for a thesis or dissertation, must have been earned in courses directly relating to audiology or speech-language pathology.

~~[2. A person is not required to have an endorsement issued pursuant to subsection 1 to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age.]~~

3. A person who holds a special license with an endorsement to provide audiological services ***issued pursuant to this section*** is exempt from the requirements of NAC 391.036 and 391.065.

Sec. 2. 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:

Notwithstanding the amendatory provisions of section 1 of this regulation, a person who is employed, on or before the date on which this regulation is filed with the Secretary of State, to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age:

1. May continue in his or her current employment without obtaining a special license with an endorsement to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age pursuant to NAC 391.223, as amended by section 1 of this regulation; and

2. So long as the person remains continuously employed to provide audiological services to pupils who are at least 3 years of age but less than 22 years of age, shall be deemed to hold a special license with an endorsement to provide such audiological services issued pursuant to NAC 391.223, as amended by section 1 of this regulation.

Joe Lombardo
Governor

Dr. Victor Wakefield
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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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R097-25, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R097-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R097-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:02 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.223 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, 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 Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:04 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception. The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, 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, November 14, 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://www.leg.state.nv.us/App/Notice/A/, 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

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E 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: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION

ON PROFESSIONAL STANDARDS IN

EDUCATION

LCB File No. R101-25

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

AUTHORITY: § 1, NRS 391.019, 391.031, 391.032 and 391.040.

A REGULATION relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019)

Existing regulations authorize the Superintendent of Public Instruction to issue to certain persons a provisional special license with an endorsement as a registered apprentice to teach pupils in a program of early childhood education, kindergarten, grades 1 to 12, inclusive, or special education. A provisional special license with an endorsement as a registered apprentice authorizes the holder to: (1) be employed as a substitute teacher; (2) participate in a clinical field experience; and (3) teach, under certain circumstances, in a county school district, a charter school or university school for profoundly gifted pupils. (Section 12 of LCB File No. R008-24, as amended by section 3 of LCB File No. R100-24) **Section 1** of this regulation requires the holder of a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year in a county school district, a charter school or a university school for profoundly gifted pupils before applying for an initial license as a teacher or other educational personnel.

Section 1. Section 3 of LCB File No. R100-24 is hereby amended to read as follows:

Sec. 2. 1. The Superintendent of Public Instruction may issue a provisional special license with an endorsement as a registered apprentice to a person to teach pupils in a program of early childhood education, kindergarten, grades 1 to 12, inclusive, or special education if the person:

(a) Is enrolled in a teacher preparation program for registered apprentices that is approved by the Commission and the State Apprenticeship Council pursuant to chapter 610 of NRS;

(b) Has a recommendation from the teacher preparation program; and

(c) Applies for such a provisional special license and pays the applicable fee set forth in NAC 391.045, which includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. A provisional special license with an endorsement as a registered apprentice issued pursuant to this section:

(a) Authorizes the holder of the provisional special license to:

(1) Be employed as a substitute teacher;

(2) Participate in a clinical field experience; and

(3) Teach in a county school district, a charter school or a university school for profoundly gifted pupils only if the requirements of subsection 1 of section 3 of LCB File No. R128-22, as amended by section 4 of LCB File No. R100-24, are satisfied;

(b) Is valid for 3 years from the date of issue; and

(c) Is nonrenewable.

3. A person who holds only a provisional special license with an endorsement as a registered apprentice issued pursuant to this section ~~[is]~~ ***:***

(a) Must teach full-time for at least 1 year in a county school district, a charter school or a university school for profoundly gifted pupils before applying for an initial license; and

(b) Is exempt from the provisions of NAC 391.036.

4. The Department shall not issue any other endorsement on a provisional special license with an endorsement as a registered apprentice issued pursuant to this section.

5. If a person who holds a provisional special license with an endorsement as a registered apprentice issued pursuant to this section withdraws from or is no longer enrolled in a teacher preparation program, not later than 15 days after the person withdraws or otherwise ceases to be enrolled in the program, the provider of the program must notify the Department of the name and license number of the person and the date on which the person withdrew or otherwise ceased to be enrolled in the program. A provisional special license issued pursuant to this section becomes invalid immediately upon the receipt of such notification.

6. As used in this section, "teacher preparation program" means a course of study and training for the preparation of teachers or other educational personnel approved pursuant to NAC 391.558 or a program for an alternative route for the licensure of teachers and administrators approved pursuant to NAC 391.461.

Joe Lombardo
Governor

Dr. Victor Wakefield
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R101-25, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R101-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R101-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:03 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391 and R100-24 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019, 391.031, 391.032, and 391.040.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

    NRS 391.031, The Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of special licenses to teachers and other educational personnel in this State.*

    NRS 391.032, the Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

    NRS 391.040, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing fees for issuance and renewal of licenses; fee for duplicate license; waiver of fees for certain persons affiliated with Armed Forces.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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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 Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:04 A.M. Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice. The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE

COMMISSION ON PROFESSIONAL STANDARDS IN

EDUCATION

LCB File No. R105-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist in a public school; revising the expiration date of such an endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.091) Under existing regulations, to receive an endorsement from the Department of Education to serve as a music therapist in a public school, a person must hold a valid license to practice music therapy issued by the Health Care Purchasing and Compliance Division of the Nevada Health Authority in accordance with existing law governing the licensure of music therapists. (NRS 640D.110; NAC 391.276) Under existing law, one of the requirements for a person to obtain a license to practice music therapy is that the person have a bachelor's degree or higher degree in music therapy. (NRS 640D.110) This regulation additionally requires a person applying for the endorsement from the Department of Education to hold a bachelor's degree or a higher degree in music therapy.

Under existing regulations, an endorsement from the Department to serve as a music therapist in a public school expires on the same date on which the license to practice music therapy expires. (NAC 391.276) This regulation revises the expiration date of such an endorsement by removing this expiration date from existing regulations, which has the effect of changing the expiration date of the endorsement to be the birth date of the music therapist holding the endorsement. (NAC 391.060)

Section 1. NAC 391.276 is hereby amended to read as follows:

391.276 1. To receive an endorsement to serve as a music therapist, a person must hold a ~~[valid]~~ ***:***

(a) Valid license to practice music therapy issued by the ~~[State Board of]~~ Health ***Care Purchasing and Compliance Division of the Nevada Health Authority*** pursuant to NRS 640D.110 ~~[.]~~ ***; and***

(b) Bachelor's degree or higher in music therapy.

2. An endorsement issued pursuant to this section ~~[:~~

~~(a) Expires on the date on which the license to practice music therapy issued to the person by the State Board of Health pursuant to NRS 640D.110 expires; and~~

~~(b) May]~~ ***may*** be renewed by submitting to the Office of Educator Licensure of the Department:

~~[(1)]~~ ***(a)*** A copy of a valid, unexpired license to practice music therapy issued ~~[to the person]~~ by the ~~[State Board of]~~ Health ***Care Purchasing and Compliance Division of the Nevada Health Authority*** pursuant to NRS 640D.110; and

~~[(2)]~~ ***(b)*** The fee prescribed by NAC 391.070 or 391.073, as applicable.

3. An applicant for the issuance or renewal of a special license with an endorsement to serve as a music therapist is exempt from the requirements of NAC 391.036 and 391.065 if he or she is not also applying for the issuance or renewal of another license or endorsement for which he or she is subject to those requirements.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R105-25, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R105-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R105-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:04 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.276 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, Suite 210
Las Vegas, Nevada 89119-0811
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:05 A.M. Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist. The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

R106-25

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R106-25

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

AUTHORITY: § 1, NRS 453.221, 454.371 and 639.070.

A REGULATION relating to pharmacy; prohibiting a pharmacist or dispensing practitioner from dispensing a controlled substance or dangerous drug pursuant to a prescription issued by certain homeopathic physicians except under certain circumstances; prohibiting certain homeopathic physicians from possessing, administering, prescribing or dispensing a controlled substance or dangerous drug except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations: (1) relating to the registration and control of the dispensing of controlled substances within this State; (2) limiting or restricting the furnishing or dispensing of any drug which the Board finds to be dangerous to the public health or safety; and (3) governing the practice of pharmacy. (NRS 453.221, 454.371, 639.070)

This regulation adopts by reference the *Homeopathic Pharmacopoeia of the United States* published by the Homeopathic Pharmacopeia Convention of the United States. This regulation prohibits a pharmacist or dispensing practitioner from dispensing a controlled substance or dangerous drug pursuant to a prescription issued by a homeopathic physician who is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to prescribe a controlled substance or a dangerous drug, as applicable, except in dosages authorized by the *Homeopathic Pharmacopoeia*. This regulation also prohibits: (1) a homeopathic physician who is registered by the Board to possess, dispense or conduct research with controlled substances but who is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense controlled substances from possessing, administering, prescribing or dispensing controlled substances except in conformance with the practice of homeopathic medicine and in the dosages authorized by the *Homeopathic Pharmacopoeia*; and (2) a homeopathic physician who is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense dangerous drugs from possessing, administering, prescribing or dispensing dangerous drugs

except in conformance with the practice of homeopathic medicine and in the dosages authorized by the *Homeopathic Pharmacopoeia*.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board hereby adopts by reference the Homeopathic Pharmacopoeia of the United States, published by the Homeopathic Pharmacopeia Convention of the United States. A copy of this publication may be obtained at the Internet address https://www.hpus.com/become-a-subscriber/ through an online subscription for the price of $2,000.

2. The Board will periodically review the publication adopted by reference pursuant to subsection 1 and determine within 120 days after the review whether any change made to those standards or publications is appropriate for application in this State. If the Board does not disapprove a change to that publication within 120 days after the review, the change is deemed to be approved by the Board.

3. A pharmacist or dispensing practitioner shall not dispense a controlled substance or a dangerous drug pursuant to a prescription issued by a homeopathic physician who is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to prescribe a controlled substance or dangerous drug, as applicable, except in dosages authorized by the Homeopathic Pharmacopoeia of the United States.

4. A homeopathic physician who is registered pursuant to subsection 1 of NRS 453.226 but is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense controlled substances may not possess, administer, prescribe or dispense controlled substances except in

conformance with the practice of homeopathic medicine and in the dosages authorized by the Homeopathic Pharmacopoeia of the United States.

5. A homeopathic physician who is not licensed in this State as an allopathic physician or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense dangerous drugs may not possess, administer, prescribe or dispense dangerous drugs except in conformance with the practice of homeopathic medicine and in the dosages authorized by the Homeopathic Pharmacopoeia of the United States.

6. As used in this section:

(a) "Allopathic physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS.

(b) "Homeopathic medicine" has the meaning ascribed to it in NRS 630A.040.

(c) "Homeopathic physician" has the meaning ascribed to it in NRS 630A.050.

(d) "Osteopathic physician" has the meaning ascribed to it in NRS 633.091.

R106-25
April 22, 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 regulation is necessary to properly reference and incorporate existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug, to better ensure public safety, regulatory consistency and compliance.

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 Nevada dispensing practitioners, and 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.

- Dr. Michael Gerber, Homeopathic Medical Doctor, urges the Nevada Pharmacy Board to delay its vote on proposed regulations that would remove prescribing authority from singly licensed homeopathic physicians. He argues the change is unnecessary, lacks safety justification, would disrupt long-standing patient care, and could impose over $1.5 million in costs on roughly 3,000 patients.

- Mary Linde, a patient of Dr. Gerber, opposes the proposed regulation. She argues it would create economic harm, exceed the Board's jurisdiction by affecting open-market competition, and eliminate access to the only two homeopathic physicians authorized under existing NAC provisions. She notes the regulation vaguely refers to "dangerous drugs" without specifying which ones, despite no history of adverse outcomes under current licensure. She believes the proposal would unnecessarily disrupt care for tens of thousands of patients and goes beyond the Board's proper scope.

- Renee Burch appreciates the Board's oversight but asks that consumers be allowed to choose their preferred medical care. She explains that she could not get a hormonal-care appointment with a conventional doctor for eighteen months, but her homeopathic physicians were able to see her promptly and provide the care she needed.

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: 181
The number of persons who testified at the hearing was: 3
The number of agency submitted statements was: 57
The name of persons who testified at the hearing:

- Dr. Michael Gerber
- Mary Linde
- Renee Burch

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 Nevada dispensing practitioners, and 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.

- Dr. Michael Gerber, Homeopathic Medical Doctor, urges the Nevada Pharmacy Board to delay its vote on proposed regulations that would remove prescribing authority from singly licensed homeopathic physicians. He argues the change is unnecessary, lacks safety justification, would disrupt long-standing patient care, and could impose over $1.5 million in costs on roughly 3,000 patients.

- Mary Linde, a patient of Dr. Gerber, opposes the proposed regulation. She argues it would create economic harm, exceed the Board's jurisdiction by affecting open-market competition, and eliminate access to the only two homeopathic physicians authorized under existing NAC provisions. She notes the regulation vaguely refers to "dangerous drugs" without specifying which ones, despite no history of adverse outcomes under current licensure. She believes the proposal would unnecessarily disrupt care for tens of thousands of patients and goes beyond the Board's proper scope.

- Renee Burch appreciates the Board's oversight but asks that consumers be allowed to choose their preferred medical care. She explains that she could not get a hormonal-care appointment with a conventional doctor for eighteen months, but her homeopathic physicians were able to see her promptly and provide the care she needed.

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 since the regulation amendment references and incorporates existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug. The regulation amendment will have a beneficial effect by enhancing public safety by ensuring that any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug only does so in conformance with the practice of homeopathic medicine and in the dosages authorized by the Homeopathic Pharmacopoeia of the United States.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be better compliance with existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug.

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 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.

This regulation does not provide a new or increase of fees.

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

LCB File No. R106-25

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 regulation is necessary to properly reference and incorporate existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug, to better ensure public safety, regulatory consistency and compliance.

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 Nevada dispensing practitioners, and 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.

- Dr. Michael Gerber, Homeopathic Medical Doctor, urges the Nevada Pharmacy Board to delay its vote on proposed regulations that would remove prescribing authority from singly licensed homeopathic physicians. He argues the change is unnecessary, lacks safety justification, would disrupt long-standing patient care, and could impose over $1.5 million in costs on roughly 3,000 patients.

- Mary Linde, a patient of Dr. Gerber, opposes the proposed regulation. She argues it would create economic harm, exceed the Board's jurisdiction by affecting open-market competition, and eliminate access to the only two homeopathic physicians authorized under existing NAC provisions. She notes the regulation vaguely refers to "dangerous drugs" without specifying which ones, despite no history of adverse outcomes under current licensure. She believes the proposal would unnecessarily disrupt care for tens of thousands of patients and goes beyond the Board's proper scope.

- Renee Burch appreciates the Board's oversight but asks that consumers be allowed to choose their preferred medical care. She explains that she could not get a hormonal-care appointment with a conventional doctor for eighteen months, but her homeopathic physicians were able to see her promptly and provide the care she needed.

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 since the regulation amendment references and incorporates existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug. The regulation amendment will have a beneficial effect by enhancing public safety by ensuring that any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug only does so in conformance with the practice of homeopathic medicine and in the dosages authorized by the Homeopathic Pharmacopoeia of the United States.

(b) Both direct and indirect effects.

There should be no direct or indirect economic effects on regulated entities and on the public since the regulation amendment references and incorporates existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug, to better ensure public safety, regulatory consistency and compliance.

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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 R106-25 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 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

R109-25

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R109-25

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

AUTHORITY: §§ 1 and 3-5, NRS 391.019; § 2, NRS 391.019 and 391.0349.

A REGULATION relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations that prescribe the qualifications for the licensing of teachers and other educational personnel. Existing law also requires the Commission to adopt regulations to authorize a person who is employed by a public school in a position to provide support or other services relating to school psychology, school counseling and school social work to complete certain internships or practicum hours while remaining employed in such a position. (NRS 391.019) **Section 1** of this regulation provides that for the purposes of this requirement, the Commission interprets the term "a person who is employed by a public school in a position to provide support or other services" to mean any employee of a public school who provides services to any pupil.

Existing regulations provide the requirements for a person to obtain an endorsement to serve as a school psychologist. (NAC 391.315) **Section 2** of this regulation reorganizes and revises certain requirements for a person to obtain such an endorsement by eliminating the requirements that the person: (1) have preparation in school psychology; (2) complete certain areas of study; and (3) hold a credential as a Nationally Certified School Psychologist. **Section 2** revises the qualifications to instead require the person to: (1) hold a master's or more advanced degree in school psychology; and (2) have completed a program approved by the Commission that includes certain topics of instruction, a practicum and an internship in school psychology.

Existing law requires the Commission to adopt regulations establishing the amount of continuing education required for school psychologists. (NRS 391.0349) Existing regulations require the holder of an endorsement to complete certain hours of professional development for the purpose of renewing the endorsement. (NAC 391.315) **Section 2** removes the requirement

that certain hours of professional development be completed during the previous calendar year. Existing regulations set forth certain criteria for an internship in psychology. (NAC 391.319) **Section 3** of this regulation reorganizes and revises these criteria to: (1) require an intern's period of service to include at least 2 regular consecutive semesters and at least 1,200 hours of supervised and practical experience; (2) increase the minimum number of required hours for an internship that must be served in an accredited school system or a school system approved by the Superintendent of Public Instruction to 600 hours; (3) eliminate the requirement that the Superintendent of Public Instruction approve the public agency in which the remaining hours of the internship may be served; (4) require that an intern with a provisional endorsement be supervised during the entire time the intern works in a school setting; (5) eliminate the authority of the Superintendent of Public Instruction to accept a partial internship and 3 years of experiences as a school psychologist in another jurisdiction in lieu of the required internship; and (6) require that an internship be governed by a memorandum of agreement between the training program and the establishment in which the internship will take place. Additionally, **section 3** requires the Department of Education to issue a provisional endorsement to a student who, among certain other requirements, holds a bachelor's or more advanced degree equivalent to a master's degree.

Section 4 of this regulation eliminates references to sections of the Nevada Administrative Code that are repealed by **section 5** of this regulation and reorganized into **section 2**.

Section 5 repeals the existing sections of the Nevada Administrative Code that are reorganized into **section 2**. (NAC 391.316, 391.317, 391.318)

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

As used in paragraph (m) of subsection 1 of NRS 391.019, the Commission interprets the term "a person who is employed by a public school in a position to provide support or other services" to mean any employee of a public school who directly or indirectly provides services to any pupil.

Sec. 2. NAC 391.315 is hereby amended to read as follows:

391.315 1. To qualify for an endorsement to serve as a school psychologist, a person must:

(a) ~~[Have accomplished each of the following:~~

~~(1)~~] Hold a master's or more advanced degree ***in school psychology*** from a regionally accredited institution **.** ~~[~~;

~~(2) Have preparation in school psychology;~~

~~(3) Have successfully completed the areas of study listed in NAC 391.316;~~

~~(4) Have earned 60 semester hours of graduate credits in the areas of study listed in NAC 391.316 and 391.317; and~~

~~(5) Have completed an internship in school psychology as provided in NAC 391.319;~~]

(b) ~~[Hold a credential as a Nationally Certified School Psychologist issued by the National Association of School Psychologists or its successor organization; or~~

~~(c)~~] Have completed a program approved by the ~~[Board]~~ ***Commission*** which prepares a person to be a school psychologist. ***The program must include, without limitation:***

(1) Instruction in the Domains of Practice established by the National Association of School Psychologists or its successor organization or equivalent instruction approved by the Commission;

(2) A practicum that is:

(I) Taken concurrently with or after the last required areas of study in the applicable area of training; and

(II) Supervised by a representative of the educational institution which sponsored the practicum working with a person who holds an endorsement as a school psychologist and is employed by a school system which is approved by the Superintendent of Public Instruction; and

(3) An internship in school psychology that meets the criteria set forth in NAC 391.319.

2. A person who holds an endorsement to serve as a school psychologist is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 1 of NAC 391.036.

3. To renew an endorsement to serve as a school psychologist, the holder of the endorsement must:

(a) Comply with the provisions of NAC 391.065 for the license held by the person and complete professional development consisting of:

(1) At least 1 hour ~~[during the previous calendar year]~~ related to ethics in the practice of school psychology;

(2) At least 1 hour ~~[during the previous calendar year]~~ related to evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness; and

(3) At least 1 hour ~~[during the previous calendar year]~~ related to cultural competency and diversity, equity and inclusion; or

(b) Provide proof that the person holds a valid certificate as a Nationally Certified School Psychologist issued by the National Association of School Psychologists or its successor organization.

Sec. 3. NAC 391.319 is hereby amended to read as follows:

391.319 1. The internship in psychology which is prerequisite to an endorsement as a school psychologist must meet the criteria set forth in this section.

2. The intern's period of service must be started concurrently with or after the last required training in the program of school psychology provided by the educational institution. The period must consist of ***at least*** 2 ~~[full-time]~~ regular consecutive semesters ~~[or 1,000]~~ ***and 1,200*** hours of

supervised and practical experience. The period must be completed within 3 years after it is started.

3. At least ~~[half of the period of]~~ ***600 hours of the*** internship must be served in an accredited school system or a school system which is approved by the Superintendent of Public Instruction. ~~[The remaining part may be served in some other public agency which is approved by the Superintendent.]~~

4. The internship must be supervised jointly by:

(a) A representative of the graduate program of the educational institution where the intern earned his or her degree; and

(b) A person who holds an endorsement as a school psychologist ***.*** ~~[and who is employed in that capacity by a school district, or by a person of equivalent education and training if the internship is in some other public agency.]~~ If the intern holds a provisional endorsement pursuant to subsection ~~[6,]~~ ***5,*** the public agency must supervise the intern according to the requirements of the National Association of School Psychologists or its successor organization. ***Such supervision must take place the entire time the intern is working in a school setting.***

5. ~~[In lieu of an internship consisting of two full-time regular semesters or 1,000 hours, the Superintendent of Public Instruction may accept a partial internship and 3 years of experience as a school psychologist in another jurisdiction if the experience is verified as having been successful.~~

~~6.]~~ The Department will issue a provisional endorsement to serve as a school psychologist, which is effective for 3 years and may not be renewed, to a student who:

(a) ***Has a bachelor's or more advanced degree equivalent to a master's degree from a regionally accredited institution;***

(b) Is in a school psychology training program and needs to complete an internship in school psychology; and

~~[(b)]~~ ***(c)*** Has completed all of the requisite coursework except an internship in school psychology. Such coursework must include at least 2 full-time regular semesters of practica.

6. The internship must be governed by a memorandum of agreement between the training program and the establishment in which the internship will take place that establishes the period of the internship. Such period may include work provided during the academic school year of the school system and may extend throughout a course or program for an internship in which the intern is enrolled at a postsecondary educational institution.

Sec. 4. Section 1 of LCB File No. R129-22 is hereby amended as follows:

1. A person who is employed as a paraprofessional and enrolled in a program to become a teacher may simultaneously complete an accelerated program of student teaching to qualify for an initial license pursuant to NAC 391.089, 391.095 or 391.111 while remaining employed if the person:

(a) Is enrolled in a program to become a teacher which the Department has determined satisfies the requirements of NRS 391.019, 391.021, 391.037 and 391.038, as applicable, and the regulations adopted pursuant thereto;

(b) Performs instruction as a student teacher in the same or substantially similar area in which he or she is employed;

(c) Completes the accelerated program of student teaching as determined by the institution providing the program to become a teacher;

(d) Completes the accelerated program of student teaching at the same school where he or she is currently employed; and

(e) Continues to receive ongoing feedback and support from:

(1) The teacher in the classroom in which he or she is currently employed; and

(2) The cooperating teacher in the classroom in which he or she is completing the accelerated program of student teaching.

2. If the Department determines that a program of student teaching or other teaching experience completed in another state or foreign country by a person who has completed a program to become a teacher substantially fulfills the requirements of a program of student teaching in this State, the Department shall accept the program or experience to satisfy the requirement to complete student teaching for the issuance of an initial license pursuant to NAC 391.089, 391.095 or 391.111.

3. A person who is currently employed by a public school to provide support or other services relating to school psychology and is enrolled in a program to obtain a license or endorsement in the area of school psychology pursuant to NAC 391.315 ~~[, 391.316 and 391.317]~~ may simultaneously complete a program of internship in such a position pursuant to NAC 391.319 while remaining employed.

Sec. 5. NAC 391.316, 391.317 and 391.318 are hereby repealed.

TEXT OF REPEALED SECTIONS

391.316 Endorsement to serve as school psychologist: Required areas of study. The required areas of study for an endorsement to serve as a school psychologist are as follows:

1. In the area of psychology and education of the normal child:

(a) Child development;

(b) Child and adolescent psychology; and

(c) Theories of learning.

2. In the area of psychology and education of children with disabilities:

(a) Abnormal psychology; or

(b) The child who is emotionally disturbed or behaviorally disordered, or both.

3. In the area of psychoeducational assessment:

(a) Assessment of individual intelligence;

(b) Testing of individual personality or projective assessment, with a practicum;

(c) Diagnosis and treatment of reading disabilities, with a practicum; and

(d) Standardized appraisal.

4. In the area of techniques of intervention:

(a) A practicum on individual counseling; and

(b) The process of counseling.

5. In the area of experimental design:

(a) Statistics; and

(b) Methodology for research.

391.317 Endorsement to serve as school psychologist: Optional areas of study. Credit earned by completing any of the following optional areas of study may be counted toward meeting the requirements for an endorsement as a school psychologist:

1. In the area of psychology and education of the normal child:

(a) Educational psychology.

(b) Development of a curriculum.

(c) Foundations of education.

(d) Theories of personality.

(e) Affective education.

2. In the area of psychology and education of children with disabilities:

(a) Theories of learning disabilities.

(b) Psychology of persons with disabilities.

(c) Etiology of reading disabilities.

3. In the area of characteristics of school systems:

(a) Services of personnel for pupils.

(b) Multicultural education.

(c) School law.

4. In the area of psychoeducational assessment:

(a) Assessments for careers or vocations.

(b) Physiological assessment.

(c) Neuropsychological assessment.

(d) Assessment of the gifted and talented.

5. In the area of techniques of intervention:

(a) Techniques for group counseling, with a practicum.

(b) Techniques for consultation or clinical interviewing.

(c) Family and marriage counseling, with a practicum.

(d) Psychotherapy and advanced counseling.

(e) Techniques for behavioral analysis and management.

391.318 Endorsement to serve as school psychologist: Requirements for practicum. To receive credit for completing a practicum, an applicant seeking an endorsement to serve as a school psychologist must be able to show that the practicum:

1. Was taken concurrently with or after his or her last required areas of study in the applicable area of training; and

2. Was supervised by a representative of the educational institution which sponsored the practicum working with a person who holds an endorsement as a school psychologist and is employed by a school district.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R109-25, Adopted by the Commission on Professional Standards in Education. 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:**
   SB277 (2025) and SB278 (2025) required various updates to regulation to conform. The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R109-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E Fifth Street | Carson City, Nevada 89701-5096
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March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R109-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:05 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.315, 391.316, 391.317, 391.318 391.319, and R129-22 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 as amended by section 1.1 of Senate Bill No. 278, chapter 190, Statutes of Nevada 2025, at page 1199, and section 2 of Senate Bill No. 277, chapter 445, Statutes of Nevada 2025, at page 2867; § 2, NRS 391.019, as amended by section 1.1 of Senate Bill No. 278, chapter 190, Statutes of Nevada 2025, at page 1199, and section 2 of Senate Bill No. 277, chapter 445, Statutes of Nevada 2025, at page 2867, and NRS 391.0349.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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Las Vegas, Nevada 89119-0811
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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 Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:00 A.M. Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology. The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

R110-25

ADOPTED REGULATION OF THE

DIVISION OF INDUSTRIAL RELATIONS OF THE

DEPARTMENT OF BUSINESS AND INDUSTRY

LCB File No. R110-25

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

AUTHORITY: §§ 1 and 2, NRS 618.295 and 618.880; §§ 3-6, NRS 618.295; §§ 7-13, NRS 618.295, 618.760 and 618.765.

A REGULATION relating to occupational safety; revising the address for certain deliveries to the Nevada Occupational Safety and Health Administration of the Division of Industrial Relations of the Department of Business and Industry; increasing the minimum total construction cost of construction projects to which certain standards are applicable, certain notices are required to be given and an elevator or personnel hoist is required to be installed in certain circumstances; revising certain factors for consideration in adjusting certain penalties for violations of certain laws and regulations governing safety and health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction. (NRS 618.295)

Sections 1, 2 and 5-13 of this regulation revise the mailing addresses of the Nevada Occupational Safety and Health Administration of the Division to which certain notifications, filings, applications and petitions must be delivered. (NAC 618.369, 618.384, 618.695, 618.710, 618.910, 618.913, 618.919, 618.923, 618.934, 618.944, 618.952)

Existing regulations define the term "construction project" as a project which involves a total construction cost of $10,000,000 or more, not including costs for any related highway construction project, or which exceeds certain size limitations, and for which a contractor is required to comply with the *Safety Requirements for Steel Erection*, ANSI A10.13, 1989 edition, published by the American National Standards Institute, certain notices are required to be given before commencing construction and, subject to certain exceptions, an elevator or personnel hoist for transporting workers is required to be installed in certain circumstances. (NAC 618.494, 618.503, 618.505, 618.507) **Section 3** of this regulation increases from $10,000,000 or more to

$20,000,000 or more the amount of the total construction cost for a construction project to which these provisions apply.

Existing regulations authorize the Division to adjust the amount of certain assessed penalties for violations of the Nevada Occupational and Safety and Health Act and regulations adopted pursuant thereto. (NAC 618.6484) **Section 4** of this regulation makes various revisions to the factors the Division is authorized to consider when adjusting the penalties.

Section 1. NAC 618.369 is hereby amended to read as follows:

618.369 A certifying authority shall notify in writing the ~~[Nevada Occupational Safety and Health Administration, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102,]~~ ***Enforcement Section*** within 5 working days after the certifying authority denies a certificate of operation for a tower crane.

Sec. 2. NAC 618.384 is hereby amended to read as follows:

618.384 A certifying authority shall notify in writing the ~~[Nevada Occupational Safety and Health Administration, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102,]~~ ***Enforcement Section*** within 5 working days after the certifying authority denies a certificate of operation for a crane which is used to erect or dismantle a tower crane.

Sec. 3. NAC 618.494 is hereby amended to read as follows:

618.494 1. "Construction project" means a project which involves:

(a) A total construction cost of ~~[$10,000,000]~~ ***$20,000,000*** or more, not including costs for any related highway construction project;

(b) A new building or structure which, when completed, will be 50,000 square feet or more; or

(c) A new building or structure which, when completed, will be more than 60 feet above the ground or more than 48 feet below ground level.

2. For the purposes of this section:

(a) The height of a building or structure must be determined by measuring from the ground level to the highest structural level of the building or structure, including any parapet wall, mechanical room, stair tower or elevator penthouse structure, but not including any antenna, smokestack, flagpole or similar attachment.

(b) The depth of a building or structure must be determined by measuring from the ground level to the lowest floor level of the building or structure. The lowest level of a building or structure does not include any local depression such as a sump or an elevator pit.

(c) In computing the height of a building or structure, the depth of the building or structure must not be considered, and in computing the depth of a building or structure, the height of the building must not be considered.

Sec. 4. NAC 618.6484 is hereby amended to read as follows:

618.6484 1. Before issuing a citation, the Division may adjust the amount of a proposed penalty as provided in subsection 2 based on:

(a) The size of the employer;

(b) The good faith ***efforts*** of the employer ~~[,]~~ ***to implement an effective safety program as described in NRS 618.383;***

(c) ~~[The immediate abatement of a hazard; and~~

~~(d)]~~ The employer's history of previous violations ~~[.]~~ ***; and***

(d) The immediate abatement of a hazard.

2. Except as otherwise provided in this subsection and subsection 4, the adjustments which may be made to a penalty pursuant to subsection 1 are as follows:

(a) ~~[A]~~ ***Except as otherwise provided in paragraph (b), a*** reduction based on the number of employees that are employed by the cited employer, not to exceed a reduction of ~~[70]~~ ***:***

(1) Seventy percent of the penalty for an employer with ~~[10]~~ ***25*** or fewer employees ~~[.]~~ ***;***

(2) Thirty percent of the penalty for an employer with at least 26 but not more than 100 employees; and

(3) Ten percent of the penalty for an employer with at least 101 but not more than 250 employees.

(b) For a violation that is classified as serious willful, a reduction based on the number of employees that are employed by the cited employer, not to exceed a reduction of:

(1) Eighty percent of the penalty for an employer with 20 or fewer employees;

(2) Fifty percent of the penalty for an employer with at least 21 but not more than 30 employees;

(3) Forty percent of the penalty for an employer with at least 31 but not more than 40 employees;

(4) Thirty percent of the penalty for an employer with at least 41 but not more than 50 employees;

(5) Twenty percent of the penalty for an employer with at least 51 but not more than 100 employees; and

(6) Ten percent of the penalty for an employer with at least 101 but not more than 250 employees.

(c) A penalty may be reduced pursuant to ~~[this paragraph]~~ ***paragraphs (a) and (b)*** for:

(1) A violation that is classified as serious or within a classification other than serious;

(2) A violation of a willful nature; or

(3) Repeated violations.

~~[(b)]~~ ***(d)*** A reduction based on the employer's demonstration of good faith ***efforts*** in implementing an effective safety program as described in NRS 618.383, not to exceed a reduction of ~~[25]~~ ***:***

(1) Twenty-five percent of the penalty for an employer with a fully implemented and effective safety program, as determined by the inspector ~~[.]~~ ***; or***

(2) Fifteen percent of the penalty for an employer with an implemented and effective safety program, which may be only minimally deficient, as determined by the inspector.

(e) A penalty may not be reduced pursuant to ~~[this]~~ paragraph ***(d)*** for:

(1) ***A serious violation of high gravity;***

(2) A violation of a willful nature; ~~[or~~

~~(2)]~~ ***(3)*** Repeated violations ~~[.~~

~~(c) A reduction based on the immediate correction by the employer of the cited hazard, not to exceed a reduction of 15 percent of the penalty. For the purposes of this paragraph, an immediate correction is one that is made not later than 24 hours after the violation is identified during an inspection. A penalty may not be reduced pursuant to this paragraph for:~~

~~(1) A serious violation of high gravity;~~

~~(2) A violation of a willful nature;~~

~~(3) Repeated violations;~~

~~(4) Failure to abate or correct a violation which was identified during an inspection;~~

~~(5) Failure to report a fatality, the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye pursuant to the requirements of NRS 618.378; or~~

~~(6) Failure or a major deficiency in:~~

~~(I) Establishing a written safety program pursuant to the requirements of NRS 618.383; or~~

~~(II) Carrying out the requirements of the program.~~

~~(d)]~~ ***;***

(4) Failure to abate or correct a violation which was identified during an inspection;

(5) Any other violation identified during the same or a concurrent inspection in which a violation described in subparagraph (2), (3) or (4) is identified;

(6) Failure to report a fatality, the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye pursuant to the requirements of NRS 618.378; or

(7) Failure or a major deficiency in:

(I) Establishing a written safety program pursuant to the requirements of NRS 618.383; or

(II) Carrying out the requirements of the program.

(f) An adjustment based on the cited employer's history of previous safety and health inspections ***,*** ~~[within the 5 years immediately preceding the issuance of the citation,]~~ as follows:

(1) A reduction of ~~[10]~~ ***not more than 20*** percent may be applied to the penalty for an employer which has:

(I) Been inspected ~~[previously]~~ ***within the 5 years immediately preceding the issuance of the citation*** with no citations issued; ~~[or]~~

(II) Been cited ~~[previously]~~ ***within the 5 years immediately preceding the issuance of the citation*** for violations which are classified as other than serious ~~[.]~~ ***; or***

(III) Not previously been inspected.

(2) No adjustment ***otherwise authorized in this paragraph*** may be applied to the penalty for an employer which ~~[has been cited for]~~ ***:***

(I) Has been issued a ***citation for a*** serious violation ***,*** not ~~[of]~~ ***classified as*** high gravity ~~[.]~~ ***, that has become a final order within the 5 years immediately preceding the issuance of the citation; or***

(II) Has not been inspected within the 5 years immediately preceding the issuance of the citation but has been inspected before that 5-year period.

(3) An increase of 10 percent may be applied to the penalty for an employer which has been cited ~~[previously]~~ ***within the 5 years immediately preceding the issuance of the citation*** for:

(I) A serious violation of high gravity;

(II) Repeated violations;

(III) A violation of a willful nature; or

(IV) Failure to abate or correct violations that were previously cited.

(g) A reduction based on the immediate correction of the employer of the cited hazard, not to exceed a reduction of 15 percent of the penalty. For the purposes of this paragraph, an immediate correction is one that is made at the time of inspection for apparent violations that can be corrected immediately, made not later than 5 days for more complex abatement actions or made not later than 15 days if there are extenuating circumstances, including, without limitation, if items are required to be ordered and shipped. A penalty may not be reduced pursuant to this paragraph for:

(1) A serious violation of high gravity;

(2) A violation of a willful nature;

(3) Repeated violations;

(4) Failure to abate or correct a violation that was identified during an inspection;

(5) A blatant violation that can be easily corrected and that indicates the employer failed to take basic steps to manage the safety or health of workers; or

(6) A violation related to a fatal injury or illness or an incident resulting in serious injury.

3. Except as otherwise provided in subsection 4, adjustments made pursuant to subsection 2, if any, must be considered and applied in the order set forth in subsection 2.

4. A penalty may not be reduced to an amount less than the allowable monetary amount of the corresponding civil penalty for the applicable violation of 29 U.S.C. § 666, including any adjustments made to the civil penalty pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74.

5. Each district manager retains the authority to determine the appropriateness of any adjustment to a penalty and may refuse to consider an adjustment to a penalty if the district manager believes that imposing the full amount of the penalty is necessary to achieve the appropriate deterrent effect.

Sec. 5. NAC 618.695 is hereby amended to read as follows:

618.695 1. Before the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Chief. ~~[at 400 West King Street, Suite 400, Carson City, Nevada 89703.]~~ After the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Board at the address given in the notice of the appeal or contest.

2. Except as otherwise ordered by the Chief or the Board, all papers required to be filed must be filed by first-class certified mail, return receipt requested, or by personal delivery, with an affidavit of service.

3. The filing is effective at the time of mailing.

Sec. 6. NAC 618.710 is hereby amended to read as follows:

618.710 1. If an affected employee is not represented by an authorized employee representative, the employer shall, immediately upon receipt of the notice sent by the Enforcement Section to the Board, post, where the citation is required to be posted, a copy of the statement informing affected employees of their right to participate as a party and of the availability of all pleadings for inspection and copying at reasonable times. The notice may be in the following form:

(Name of employer)

Your employer has been cited by the Chief of the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry for violation of the Nevada Occupational Safety and Health Act, chapter 618 of NRS. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Board in NAC 618.650 to 618.848, inclusive. Notice of intent to participate must be sent, at least 30 days before the date of the hearing, to:

Occupational Safety and Health Review Board

~~[400 West King Street, Suite 200~~

~~Carson City, Nevada 89703]~~ ***The mailing address designated for the Occupational Safety and Health Review Board on the Internet website of the Division of Industrial Relations of the Department of Business and Industry at https://dir.nv.gov/OSHA/Review_Board/Review_Board_Main_Page/.***

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace).

If appropriate, the second sentence of this notice may be deleted and the following sentence may be substituted:

> The reasonableness of the period prescribed by the Chief for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board.

2. The authorized employee representative must be served with the notice in subsection 1 and with a copy of the notice of the appeal or contest.

3. A copy of the notice of the hearing to be held before the Board must be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of the hearing at or near the place where the citation is required to be posted.

4. A copy of the notice of the hearing to be held before the Board must be served by the employer on the authorized representative of any employee who has entered an appearance as of the date the notice is received by the employer.

5. If a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall serve a copy on the authorized representative as prescribed in subsection 3 of NAC 618.707 and file proof of the service.

6. If a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and the response filed in support of the contest must be provided to the employer for posting as prescribed in subsection 1.

7. An authorized employee representative who files a notice of contest shall serve a copy of the notice on any other authorized employee representative whose members are affected employees.

8. Where posting is required by this section, the posting must be maintained until the commencement of the hearing or until an earlier disposition of the contest or appeal.

Sec. 7. NAC 618.910 is hereby amended to read as follows:

618.910 1. A person who wishes to apply for an initial license as a contractor, supervisor, abatement worker or consultant must submit a signed, completed application with all necessary documentation to the Enforcement Section on a form provided by the Enforcement Section, accompanied by a copy of any valid government-issued identification card of the applicant.

2. An application for initial licensing must be delivered to the Enforcement Section . ~~[at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502.]~~

3. The Enforcement Section may, within 30 days after the receipt of an application, require further information to determine whether the application should be approved or denied.

4. If the Enforcement Section requests further information from an applicant and does not receive that information within 60 days after the date of the request, the application will be considered abandoned and the request for an initial license will be denied.

5. An applicant must include his or her mailing address on the application and immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an amendment to the original application. The address stated on the original application or as amended must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the applicant.

6. A license issued by the Enforcement Section is valid:

(a) Until the expiration date of the certificate for a training course or a refresher training course; or

(b) For 1 year,

➥ whichever occurs earlier.

Sec. 8. NAC 618.913 is hereby amended to read as follows:

618.913 1. A licensee must submit an application for the renewal of his or her license before the license expires.

2. An application for the renewal of a license must be submitted on a form provided by the Enforcement Section and delivered to the Enforcement Section . ~~[at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502.]~~

3. An application must be accompanied by:

(a) Evidence that the applicant has, within the preceding 12 months, completed a refresher training course approved by the EPA for his or her discipline; and

(b) The applicable fee for renewal.

4. The renewal of a license is not effective until final action on the application is taken by the Enforcement Section.

5. An application for the renewal of a license must include the applicant's mailing address. The applicant shall immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an immediate amendment to the original application. The address stated on the original application or amended application must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the licensee.

6. Before the license of a contractor or consultant may be renewed, the contractor or consultant must abate all conditions for which the contractor or consultant has been issued a citation by the Enforcement Section and pay all fines due to the Division.

Sec. 9. NAC 618.919 is hereby amended to read as follows:

618.919 1. A person who has complied with all of the requirements to be a contractor, except the requirements relating to experience, may apply to the Enforcement Section for permission to be a limited contractor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Enforcement Section . ~~[at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502.]~~

3. Permission to act as a limited contractor:

(a) Authorizes the limited contractor to perform a progression of projects for the abatement of asbestos, from simple inexpensive projects to difficult and complex projects;

(b) Is effective upon notification by the Enforcement Section; and

(c) Is limited to those situations where a project for the abatement of asbestos is supervised by a licensed supervisor who is experienced in the type of project performed.

Sec. 10. NAC 618.923 is hereby amended to read as follows:

618.923 1. A person who has complied with all the requirements to be a supervisor, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be a probationary supervisor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~ ***Chief.***

3. A person may act as a probationary supervisor for not more than 4 consecutive months.

4. Permission to act as a probationary supervisor is effective upon notification by the Enforcement Section and is limited to those situations where a project for the abatement of asbestos must have other licensed supervisors present to assist the probationary supervisory in organizing the work site and overseeing the project.

Sec. 11. NAC 618.934 is hereby amended to read as follows:

618.934 1. A person who has complied with all of the requirements to be an inspector, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be an inspector trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~ ***Chief.***

3. Permission to act as an inspector trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as an inspector trainee will be rendered under the direct supervision of a licensed inspector or management planner.

Sec. 12. NAC 618.944 is hereby amended to read as follows:

618.944 1. A person who has complied with all of the requirements to be a monitor, except the requirement relating to experience, may apply to the Enforcement Section for permission to be a monitor trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~ ***Chief.***

3. Permission to act as a monitor trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as a monitor trainee will be rendered under the direct supervision of a licensed monitor.

Sec. 13. NAC 618.952 is hereby amended to read as follows:

618.952 1. A person may request the Enforcement Section to determine whether an activity is an activity for the abatement of asbestos and subject to the requirements of NAC 618.850 to 618.986, inclusive, by requesting the Enforcement Section to issue a declaratory order.

2. Any request for a declaratory order must be submitted in the form of a written petition and submitted to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~ ***Chief.*** The petition must describe:

(a) The material containing asbestos;

(b) The proposed activity;

(c) The site at which the activity will be conducted;

(d) The nature of the work to be done; and

(e) The results of any tests conducted on samples of material to be disturbed or encapsulated.

3. The Enforcement Section will issue a declaratory order in writing not later than 15 days after receiving a written petition. The order must be signed by the Chief.

4. A declaratory order may be appealed to the Administrator within 15 days after it is issued. An order not appealed within that time is final.

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

INFORMATIONAL STATEMENT OF ADOPTED PERMANENT REGULATIONS AS REQUIRED BY NRS 233B.066

The following informational statement as required by NRS 233B.066 is submitted for the adopted permanent amendments to Nevada Administrative Code (NAC) Chapter 618 as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED PERMANENT REGULATION

Current Nevada Administrative Code (NAC) Chapter 618 establishes provisions for workplace safety and health, including penalties for violations, administrative processes, and definitions relevant to construction projects. The proposed permanent regulations amend Chapter 618 of the Nevada Administrative Code (NAC) by amending provisions related to the reduction of penalties assessed against employers for OSHA violations, updating addresses, and increasing the amount of construction costs for the definition of "construction project," among other things.

The first amendment is intended to align Nevada OSHA's penalty reduction provisions with a Federal Program Change that updates parts of Chapter 6 of the Federal Operations Manual (FOM). Under this new guidance, several of OSHA's penalty reduction factors—quick fix, history, and size—have been adjusted to expand the number of employers potentially eligible for the reductions and to expand the reduction amounts themselves. The second amendment is intended to simplify OSHA's mailing and contact addresses to reduce the need for future amendments related to address changes. The third amendment is intended to increase the amount of construction costs for the definition of "construction project" to account for inflation.

2. 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.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the permanent regulations were publicly posted and sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. Moreover, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation.

The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose.

These documents were also made available at the Division's website, http://dir.nv.gov/Meetings/Meetings and were also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (http://leg.state.nv.us/App/Notice/A/)

The Division of Industrial Relations Website (http://dir.nv.gov/Meetings/Meetings)

The information for the Public Workshop and Adoption Hearing was also physically posted at the Division's offices, located at Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

The Division held a Public Workshop on December 2, 2025, regarding the permanent regulation (R110-25), to solicit comments on the proposed regulation. At the conclusion of the Public Workshop, the Division invited members of the public to submit written public comments. Thereafter, the Division held an Adoption Hearing on the permanent regulation (R110-25) on May 8, 2026. Again, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments.

A summary of the comments is below in Section 3 and may also be obtained by contacting Samantha O'Brien, Legal Research Assistant I, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:

a.	Attended the December 2, 2025 Public Workshop (R110-25):	9
b.	Testified at the December 2, 2025 Public Workshop (R110-25):	1
c.	Attended the May 8, 2026 Public Hearing (R110-25):	16
d.	Testified at the May 8, 2026 Public Hearing (R110-25):	1
e.	Submitted Written Comments Related to December 2, 2025 Workshop:	2
f.	Submitted Written Comments Related to May 8, 2026 Public Hearing:	1

4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (c) through (i) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

December 2, 2025, Public Workshop (R110-25)	
1	**Name**: Misty Grimmer **Telephone number**: None Provided **Business address**: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: Ferraro Group obo the NV Resorts Association **Summary of comment**: Misty Grimmer, representing the Ferraro Group on behalf of the Nevada Resort Association, thanked OSHA for the opportunity to provide

	public comment and noted that she has also submitted written comments. She stated that while she understands the reasoning behind increasing penalty reductions for small businesses, she questioned why the proposed regulations do not offer similar good-faith incentives for large employers who also demonstrate responsible compliance. She further raised a concern regarding Section 2 of NAC 618.XXX(2)(d)(3), specifically noting that the penalty adjustment for prior history of serious, repeat, willful, or failure-to-abate violations has been increased from 10 percent to 20 percent.

May 8, 2026, Public Hearing (R110-25)	
1	**Name**: Cheri Harris **Telephone number**: None Provided **Business address**: None Provided **Business telephone number**: None Provided **Electronic mail address**: None Provided **Name or organization represented**: None Provided **Summary of comment**: Cheri Harris commented that the proposed amendments to NAC 618 weaken deterrence, reduce workplace safety, and may shift costs to state and federal programs. She questions why no required public impact analysis was completed under NRS 233B and asks the Division to clarify whether it evaluated the effects on workers, families, and public systems. She also requests confirmation that the regulatory process followed Nevada law. Senior Counsel, Amber Williams, instructed her to email her questions for a direct response.

5. 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.

On October 29, 2025, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, on October 29, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 3, 2025. DIR received four (4) responses only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

(1) Richard Sparkman, Facility Director, Shelby American, Inc. – Mr. Sparkman indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.

(2) George Allen, Risk Safety Manager, Saddle West Hotel, Casino and RV Resort – Mr. Allen indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.

(3) Christine A. May, President, Bergdahl Associates, Inc. – Ms. May indicated that the

proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

Any other persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.
Division of Industrial Relations – Division Counsel
2300 W. Sahara Avenue, Ste. 300
Las Vegas, Nevada 89102
Email: amwilliams@dir.nv.gov

6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The regulation was adopted without changes because all comments received during the public workshop were fully considered, and none indicated a need to modify the proposed regulation. The division concluded that the adopted version appropriately meets the regulatory objectives as written.

7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESSES WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A. ADVERSE AND BENEFICIAL EFFECTS

1. Effect on Businesses

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as a result of these regulations. The adverse effects, if any, are difficult to determine at this time. There may be a direct beneficial effect as the number of employers potentially eligible for penalty reductions and the reduction amounts themselves have been expanded. There will be no direct or indirect cost to regulated or small businesses.

2. Effect on the Public

The Division does not anticipate any adverse or beneficial effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

B. IMMEDIATE AND LONG-TERM EFFECTS

1. Effect on Businesses

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

2. Effect on the Public

The Division does not anticipate any immediate or long-term effects, either adverse or

beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

The Division does not anticipate incurring any additional cost for these proposed permanent regulations.

9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS 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 permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but do align with provisions of a Federal Program Change updating Chapter 6 of Federal OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), issued April 14, 2020, directive dated July 2, 2025, available at https://www.osha.gov/fom/chapter-6. State Plans, as a part of their State Plan, may, but are not required to, make these same or at least as effective changes in order to remain at least as effective as the Federal program and satisfy the obligation of equivalency required in respect to the FOM as a whole.

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 proposed regulation does not include any provisions that are more stringent than existing federal, state, or local standard.

11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The proposed regulation does not provide for a new fee and does not increase an existing fee payable to the Division.

Dated this 20th day of May, 2026.

DIVISION OF INDUSTRIAL RELATIONS

Victoria Carreón

By: _____

Victoria Carreón
Administrator, Division of Industrial Relations
2300 W. Sahara Ave., Ste. 300
Las Vegas, Nevada 89102

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

Small Business Impact Statement
Proposed Draft Regulations Amending NAC 618
LCB File No. TBD

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

1. Background

The proposed permanent regulations amend Chapter 618 of the Nevada Administrative Code (NAC) by amending provisions related to the reduction of penalties assessed against employers for OSHA violations, updating addresses, and increasing the amount of construction costs for the definition of "construction project" among other things.

The first amendment is intended to align Nevada OSHA's penalty reduction provisions with a Federal Program Change that updates parts of Chapter 6 of the Federal Operations Manual (FOM). Under this new guidance, several of OSHA's penalty reduction factors—quick fix, history, and size—have been adjusted to expand the number of employers potentially eligible for the reductions and to expand the reduction amounts themselves. The second amendment is intended to simplify OSHA's mailing and contact addresses to reduce the need for future amendments related to address changes. The third amendment is intended to increase the amount of construction costs for the definition of "construction project" to account for inflation.

The Occupational Safety & Health Administration (OSHA) section of the Division of Industrial Relations (DIR) has determined that the proposed amendments should not have a negative financial impact upon a small business. The proposed regulations are also not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

2. A description of the way comments were solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the DIR considered the purpose and scope of the proposed regulations as set forth above in Answer 1 above.

Prior to conducting the small business impact survey, the DIR received input on the proposed changes with key industry stakeholders. On October 29, 2025, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, on October 29, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 3, 2025. As of this date, the DIR received four (4) responses, only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

(1) Richard Sparkman, Facility Director, Shelby American, Inc. – Mr. Sparkman indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.

(2) George Allen, Risk Safety Manager, Saddle West Hotel, Casino and RV Resort – Mr. Allen indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.

(3) Christine A. May, President, Bergdahl Associates, Inc. – Ms. May indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

Any other persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.
Division of Industrial Relations – Division Counsel
2300 W. Sahara Avenue, Ste. 300
Las Vegas, Nevada 89102
Email: amwilliams@dir.nv.gov

Based on the results of the survey, the Division determined that the proposed permanent regulations will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

3. The manner in which the analysis was conducted.

ANSWER: See Answer 2 above.

4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:
(a) Direct and indirect adverse effects
(b) Direct and indirect beneficial effects.

ANSWER: The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. As to the proposed first amendment set forth in Answer 1 above, there may be a direct beneficial effect as the number of employers potentially eligible for penalty reductions and the reduction amounts themselves have been expanded. There will be no direct or indirect cost to regulated or small businesses.

5. **Describe 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.**

   ANSWER: Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

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

   ANSWER: The proposed regulations present no significant foreseeable or anticipated cost for enforcement of this regulation.

7. **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.**

   ANSWER: The proposed regulations do not provide for a new fee or increase an existing fee payable to the DIR.

8. **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.**

   ANSWER: The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but do align with provisions of a Federal Program Change updating Chapter 6 of Federal OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), issued April 14, 2020, directive dated July 2, 2025, available at https://www.osha.gov/fom/chapter-6. State Plans, as a part of their State Plan, may, but are not required to, make these same or at least as effective changes in order to remain at least as effective as the Federal program and satisfy the obligation of equivalency required in respect to the FOM as a whole. The proposed regulation does not include any provisions that are more stringent than existing federal, state, or local standards.

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

   ANSWER: The DIR complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments as set forth above in Answer 1. The DIR made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business as set forth above in Answer 2. Thus, the DIR determined that the regulations will have no adverse effect on small businesses, will not impose any significant economic burden upon small businesses, and will not restrict the formation, operation or expansion of small businesses.

I, Victoria Carreón, Administrator of the Division of Industrial Relations, 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 was prepared properly and the information contained herein is accurate.

Dated this 13th day of November 2025.

_____

Victoria Carreón, Administrator
Department of Business and Industry
Division of Industrial Relations
Las Vegas: (702) 486-9116
vcarreon@dir.nv.gov

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R115-25

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

AUTHORITY: §§ 1-4, NRS 391.019.

A REGULATION relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) requiring teachers to obtain from the Department of Education an endorsement in a field of specialization to be eligible to teach in that field of specialization; and (2) setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) Existing regulations prescribe the qualifications to receive an endorsement to teach pupils in a program of orientation and mobility, but do not require a person to hold such an endorsement to do so. (NAC 391.391) **Section 1** of this regulation removes the provision that authorizes a person to teach pupils in a program of orientation and mobility without an endorsement and instead requires a person to hold such an endorsement to teach pupils in such a program.

Existing regulations also prescribe the qualifications to receive an endorsement to teach pupils in a program of alternative education, but do not require a person to hold such an endorsement to do so. (NAC 391.392) **Section 2** of this regulation removes the provision that authorizes a person to teach pupils in a program of alternative education without such an endorsement and instead requires a person to hold such an endorsement to teach pupils in such a program.

Notwithstanding the amendatory provisions of **sections 1 and 2**, **sections 3 and 4** of this regulation provide that a person who, on the effective date of this regulation, is employed as a teacher for a program of orientation and mobility or a program of alternative education: (1) may continue in such employment without obtaining the associated endorsement to teach pupils in such a program; and (2) shall be deemed to hold the associated endorsement so long as he or she remains continuously employed as a teacher for such a program.

Section 1. NAC 391.391 is hereby amended to read as follows:

391.391 1. ***Before teaching pupils in a program of orientation and mobility, a person must hold an endorsement issued pursuant to this section.***

2. To receive an endorsement to teach pupils in a program of orientation and mobility, a person must hold a:

(a) Bachelor's or graduate degree in:

(1) Orientation and mobility; or

(2) Any other field of study and have successfully completed an orientation and mobility program at a university approved by the Association for Education and Rehabilitation of the Blind and Visually Impaired or its successor organization; or

(b) Specialty credential as a Certified Orientation and Mobility Specialist from the Academy for Certification of Vision Rehabilitation and Education Professionals or its successor organization.

~~[2. Such an endorsement is not required to teach pupils in a program of orientation and mobility.]~~

Sec. 2. NAC 391.392 is hereby amended to read as follows:

391.392 1. ***Before teaching pupils in a program of alternative education, a person must hold an endorsement issued pursuant to this section.***

2. To receive an endorsement to teach a program of alternative education, a person must:

(a) Hold a valid:

(1) Elementary license;

(2) License to teach middle school or junior high school education;

(3) Secondary license;

(4) License to teach special education; or

(5) Special license that is endorsed for a recognized field of teaching other than business and industry;

(b) Have 3 years of verified experience in teaching a program of alternative education; or

(c) Have completed at least 3 semester hours of course work in one or more of the following areas of study:

(1) Behavior management;

(2) Methods of teaching pupils who have specific learning disabilities;

(3) Parental involvement in programs of alternative education; or

(4) Methods of teaching pupils in a program of alternative education or pupils who are at risk of dropping out of school.

~~[2.]~~ ***3.*** Except as limited by subsection ~~[3,]~~ ***4,*** a person who holds an endorsement to teach a program of alternative education may:

(a) Provide instruction in any recognized field of teaching for which he or she holds a valid endorsement; and

(b) Teach courses outside his or her area of endorsement.

~~[3.]~~ ***4.*** A person who holds an endorsement to teach a program of alternative education initially issued on or after July 1, 2005, may use that endorsement to provide instruction and teach as authorized by subsection ~~[2]~~ ***3*** only:

(a) In an adult high school program as defined in subsection 2 of NAC 390.480; or

(b) To act as a teacher of record for a pupil who is enrolled in a course of distance education which has been approved by the Department pursuant to NRS 388.834 and NAC 388.825.

~~[4. An endorsement to teach a program of alternative education is not required to teach a program of alternative education.]~~

5. As used in this section:

(a) "Course of distance education" has the meaning ascribed to it in NRS 388.823.

(b) "Program of alternative education" means:

(1) An alternative program as defined in NAC 388.500; or

(2) An adult high school program as defined in subsection 2 of NAC 390.480.

Sec. 3. Notwithstanding the amendatory provisions of this regulation, a person who is employed as a teacher for a program of orientation and mobility on or before the date on which this regulation is filed with the Secretary of State:

1. May continue in his or her current employment without obtaining an endorsement to teach pupils in a program of orientation and mobility; and

2. So long as the person remains continuously employed as a teacher for a program of orientation and mobility, shall be deemed to hold an endorsement to teach pupils in a program of orientation and mobility.

Sec. 4. Notwithstanding the amendatory provisions of this regulation, a person who is employed as a teacher for a program of alternative education on or before the date on which this regulation is filed with the Secretary of State:

1. May continue in his or her current employment without obtaining an endorsement to teach pupils in a program of alternative education; and

2. So long as the person remains continuously employed as a teacher for a program of alternative education, shall be deemed to hold an endorsement to teach pupils in a program of alternative education.

Joe Lombardo
Governor

Dr. Victor Wakefield
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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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R115-25, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R115-25 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R115-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:06 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.391 and 391.392 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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.

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 30, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, February 18, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:11 A.M. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility. The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, February 13, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 30, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF

THE STATE BOARD OF HEALTH

LCB File No. R116-25

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

AUTHORITY: §§ 1-35 and 41, NRS 449.0302; §§ 36, 39 and 40, NRS 449.0302 and 449.0305; §§ 37 and 38, NRS 449.0302, 449.050 and 449.089.

A REGULATION relating to health care; establishing requirements for the licensure and operation of providers of rehabilitative residential mental health care; expanding the applicability of provisions governing the licensure and regulation of referral agencies to include certain additional referral agencies; revising provisions governing the renewal of certain licenses; imposing certain fees for the issuance and renewal of a license as a provider of rehabilitative residential mental health care; removing certain required contents of a financial assessment of a client of a referral agency; revising a prohibition on the acceptance of certain fees by a referral agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "rehabilitative residential mental health care" to mean community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to: (1) promote the recovery of the client with a mental illness or other behavioral health condition; and (2) assist the client in achieving psychiatric stability, personal and emotional adjustment, self-sufficiency and other skills necessary to transition to a more independent setting. (NRS 449.0168) Existing law requires a provider of rehabilitative residential mental health care to be licensed as a facility for the dependent by the Health Care Purchasing and Compliance Division of the Nevada Health Authority. (NRS 449.0045, 449.030)

Existing law requires the State Board of Health to adopt regulations governing the licensing and operation of providers of rehabilitative residential mental health care, which must include separate requirements for providers providing such care to minors and providers providing such care to adults. (NRS 449.0302) **Sections 3-5** of this regulation define certain terms which relate to rehabilitative residential mental health care, and **section 2** of this regulation establishes the applicability of those definitions.

Section 6 of this regulation requires each rehabilitative residential mental health care facility to be separately licensed. **Section 6** sets forth the requirements for obtaining a license, in addition to the requirements prescribed by existing law and regulations. (NRS 449.040; NAC 449.011) Such requirements include a requirement that an applicant provide proof that the applicant has applied for accreditation by certain accrediting organizations for the applicant's rehabilitative residential mental health care facility. **Section 6** further requires a provider of rehabilitative residential mental health care to cease operating a rehabilitative residential mental

health care facility as soon as practicable, if: (1) the facility fails to obtain the required accreditation within 6 months after the provider obtains a license or the facility fails to maintain current accreditation; or (2) the required accreditation is revoked or otherwise no longer valid.

Section 17 of this regulation requires each license issued to a provider of rehabilitative residential mental health care to designate whether the facility operated by the provider is licensed to serve clients who are less than 21 years of age or licensed to serve clients who are 21 years of age or older. **Section 17** further prohibits: (1) a facility from admitting or retaining clients other than in accordance with the designation on the license; (2) the operation of facilities which are designated to serve clients of different ages at the same address unless the facilities are entirely separate and there is no interaction between the clients of the separated facilities; and (3) a facility from having more clients than the number of beds for which it is licensed.

Sections 7, 24 and 25 of this regulation require a provider of rehabilitative residential mental health care to develop and carry out policies and procedures concerning: (1) employment, licensing and certification of personnel; and (2) admission and discharge of clients. **Sections 8 and 9** of this regulation require a provider of rehabilitative residential mental health care to: (1) maintain a staff sufficient to meet the needs of each client; (2) arrange for the provision of services necessary to meet those needs; and (3) review such needs on a regular basis. **Section 8** also requires a provider of rehabilitative residential mental health care to maintain a personnel file for each employee or independent contractor who provides services. **Section 10** of this regulation prescribes certain required training for each natural person responsible for the operation of a provider of rehabilitative residential mental health care and each employee of such a provider who supervises or provides support to clients.

Existing law requires certain health care providers and other personnel at certain facilities to report the abuse or neglect of an older or vulnerable person or a child. (NRS 200.5093, 432B.220) **Section 11** of this regulation requires: (1) an employee or independent contractor of a provider of rehabilitative residential mental health care who has reasonable cause to believe such abuse or neglect has occurred to report the abuse or neglect as required by law; and (2) the provider to take certain measures to stop the abuse or neglect, ensure that the alleged victim receives proper care and, if the alleged victim is less than 21 years of age, notify the parent or guardian of or other person legally responsible for the alleged victim.

Section 12 of this regulation requires a provider of rehabilitative residential mental health care to conform with all applicable provisions of federal, state and local laws, regulations and ordinances. **Section 13** of this regulation requires a provider of rehabilitative residential mental health care to take certain measures to meet the needs of and provide quality care to its clients. **Section 13** further requires a provider of rehabilitative residential mental health care to: (1) define in writing the scope of services provided by each department, unit or service within the facility operated by the provider; and (2) obtain approval of the scope of services from the administration and the medical staff of the facility. **Sections 13 and 14** of this regulation require the administrator of a rehabilitative residential mental health care facility to: (1) perform certain tasks relating to the adequacy and competency of the staff of a facility; and (2) ensure that the facility has an effective quality improvement program to evaluate the provision of care to its clients.

Section 15 of this regulation requires each building of a rehabilitative residential mental health care facility to be solidly constructed with adequate space and safeguards for each client. **Section 15** further requires a provider of rehabilitative residential mental health care to take

certain measures to prepare for an emergency. **Section 16** of this regulation establishes standards governing fire safety at a rehabilitative residential mental health care facility.

Sections 18-20 of this regulation establish requirements to meet the personal needs of the clients of a rehabilitative residential mental health care facility and ensure proper sanitation at a rehabilitative residential mental health care facility. **Section 21** of this regulation requires a provider of rehabilitative residential mental health care to establish and implement a policy concerning the visitation of clients. **Section 22** of this regulation requires a provider of rehabilitative residential mental health care to maintain a record for each client. **Section 23** of this regulation requires a provider of rehabilitative residential mental health care to ensure that the needs of clients are: (1) regularly assessed; and (2) reassessed under certain circumstances.

Sections 26-29 of this regulation establish requirements concerning: (1) the maintenance of certain records if a provider of rehabilitative residential mental health care assists in administering medications to clients; (2) the orders for and administration of a medication or biological to a client; and (3) the reporting of errors in the administration of drugs to clients and misuse or loss of controlled substances. **Sections 30-34** of this regulation: (1) require a rehabilitative residential mental health care facility to furnish common areas and provide a dining area and kitchen for the use of clients; and (2) establish requirements for the storage of food and the planning, preparation and provision of meals to clients. **Section 35** of this regulation prescribes requirements relating to the bathrooms, waste disposal and maintenance of the premises of a rehabilitative residential mental health care facility.

Assembly Bill No. 544 of the 2025 Legislative Session (A.B. 544) revised the expiration date of a license issued by the Division from December 31 following the issuance of the license to 1 year after the date on which the license was issued. (NRS 449.089, as amended by section 1 of Assembly Bill No. 544, chapter 281, Statutes of Nevada 2025, at page 1889) Existing regulations require a licensee who wishes to renew his or her license to submit an application for renewal on or before November 15 of the calendar year in which the license expires. (NAC 449.0116) To conform with the changes made by A.B. 544, **section 37** of this regulation instead requires such a licensee to file an application for renewal on or before the date on which the license is scheduled to expire. If a licensee who wishes to renew his or her license fails to timely file such an application, **section 37** requires such a licensee to submit a renewal application and pay certain fees not later than 30 days after the expiration date of the license. If such a licensee fails to submit a renewal application and pay the appropriate fees within that time period, **section 37** makes the licensee subject to disciplinary action and certain administrative sanctions.

Existing law requires each application for a license issued by the Division to be accompanied by such fee as may be determined by regulation of the Board. (NRS 449.050) **Section 38** of this regulation prescribes fees for an applicant for a license as a provider of rehabilitative residential mental health care or to renew such a license.

Existing law requires the Board to adopt regulations governing the licensing and regulation of businesses that provide referrals to residential facilities for groups or certain group housing arrangements. (NRS 449.0305; NAC 449.0061, 449.27818) **Section 36** of this regulation updates existing regulations relating to the licensing and regulation of referral agencies to apply to referral agencies that provide referrals to certain group housing arrangements other than residential facilities for groups, in accordance with existing law.

Existing regulations require a referral agency to complete a financial assessment for each client. (NAC 449.27829) **Section 39** of this regulation removes the requirement that such a

financial assessment include the eligibility status of the client as determined by Medicaid and Medicare.

Existing regulations prohibit a referral agency from accepting any fee, inducement or incentive, for any reason, from a group housing arrangement or from any person or entity associated with a group housing arrangement. (NAC 449.27829) **Section 40** of this regulation removes that prohibition and instead prohibits a referral agency, in the context of a single referral, from accepting a fee from both the client and the group housing arrangement to which the client is referred.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 35, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrator" means the person who is appointed by a provider of rehabilitative residential mental health care to have primary responsibility for the operations of a rehabilitative residential mental health care facility.***

Sec. 4. ***"Client" means a person who resides in a rehabilitative residential mental health care facility and receives rehabilitative residential mental health care.***

Sec. 5. ***"Rehabilitative residential mental health care facility" means a facility for the provision of rehabilitative residential mental health care.***

Sec. 6. ***1. A provider of rehabilitative residential mental health care must hold a separate license for each rehabilitative residential mental health care facility operated by the provider.***

2. In addition to the documents and information required by NRS 449.040 and NAC 449.011, an application for a license as a provider of rehabilitative residential mental health care must:

(a) Include a statement which indicates whether the facility will serve clients who are less than 21 years of age or who are 21 years of age or older;

(b) Include proof that the applicant has applied for accreditation of the relevant facility by:

(1) The Joint Commission;

(2) The Commission on Accreditation of Rehabilitation Facilities;

(3) The Council on Accreditation; or

(4) Any other accrediting organization with comparable standards that is approved by the Board pursuant to subsection 3; and

(c) Demonstrate that the applicant is able to comply with the requirements set forth in sections 2 to 35, inclusive, of this regulation.

3. An organization which accredits rehabilitative residential mental health care facilities that wishes to be recognized by the Board as an accrediting organization for the purposes of this section must submit to the Division an application on a form prescribed by the Division. The Division shall review each application received pursuant to this subsection and shall forward to the Board each application, including the recommendation of the Division whether to approve or deny the application. The recommendation of the Division must be based upon whether the applicant requires a rehabilitative residential mental health care facility to meet minimum requirements necessary to ensure a high level of quality. The Board may approve or deny an application submitted pursuant to this subsection.

4. If a rehabilitative residential mental health care facility fails to obtain the accreditation described in paragraph (b) of subsection 2 within 6 months after the provider who operates the facility obtains a license, if a rehabilitative residential mental health care facility fails to maintain current accreditation or if the accreditation of a rehabilitative residential mental

health care facility is revoked or otherwise no longer valid, the provider of rehabilitative residential mental health care shall, as soon as practicable, cease operating the facility.

Sec. 7. *1. A provider of rehabilitative residential mental health care shall develop and implement written policies concerning the qualifications, responsibilities and conditions of employment for each type of personnel employed by the provider, including the licensure and certification of each employee when required by law.*

2. The written policies must provide for the orientation of all employees to the policies and objectives of the provider of rehabilitative residential mental health care.

3. The provider of rehabilitative residential mental health care shall maintain evidence of a current license or certification on file at the rehabilitative residential mental health care facility operated by the provider for each person employed by the facility, and for each person under contract with the facility, who is required to be licensed or certified by law to perform his or her job.

Sec. 8. *A provider of rehabilitative residential mental health care shall:*

1. Develop and implement policies concerning the hiring of persons who will provide services.

2. Maintain a personnel file for each employee or independent contractor who provides services. The personnel file must contain, without limitation:

(a) Information concerning the job duties, essential functions, physical capabilities and language proficiency of the employee or independent contractor; and

(b) If the employee or independent contractor provides direct care services to clients, proof that the employee or independent contractor:

(1) Is 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 American Heart Association or their successor organizations, an equivalent course in standard first aid; and

(2) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American Red Cross or American Heart Association or their successor organizations.

3. Ensure that employees or independent contractors who provide direct care services comply with the policies developed and implemented by the provider.

4. Maintain staff sufficient to meet the needs of each client, in accordance with the individualized care and treatment which is required for each client based on the assessments conducted pursuant to section 23 of this regulation and regular review of the need for such services pursuant to section 9 of this regulation.

Sec. 9. *1. A provider of rehabilitative residential mental health care shall make arrangements for obtaining services from persons professionally qualified in the field of psychiatric mental health or other specially trained persons, as needed, to assist in planning, carrying out and reviewing the provision of services. The provider of rehabilitative residential mental health care shall keep on file evidence of such services.*

2. A provider of rehabilitative residential mental health care shall:

(a) Initially determine the need for services described in subsection 1 using the initial assessment conducted pursuant to section 23 of this regulation; and

(b) Review the need for services described in subsection 1 on a regular basis, at least annually.

3. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

Sec. 10. *1. Except as otherwise provided in subsection 2, each natural person responsible for the operation of a provider of rehabilitative residential mental health care and each employee of such a provider who supervises or provides support to clients shall:*

(a) Complete not less than 8 hours of training concerning the provision of care and services to clients with a mental illness within 30 days after the date of hire or before providing services to a client, whichever is later; and

(b) Annually complete not less than 4 hours of continuing education concerning the provision of care and services to clients with a mental illness.

2. If a person described in subsection 1 is required to receive training or continuing education that is substantially equivalent to that prescribed in subsection 1, as determined by the Division, 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.

Sec. 11. *1. If an employee or an independent contractor of a provider of rehabilitative residential mental health care has reasonable cause to believe that another employee or independent contractor of the provider has abused or neglected a client:*

(a) The employee or independent contractor with knowledge of the abuse or neglect shall report the abuse or neglect as required by NRS 200.5093 or 432B.220, as applicable; and

(b) The provider shall:

(1) Prevent the alleged perpetrator of the abuse or neglect from having further direct contact with any client in accordance with subsection 2;

(2) Ensure that the alleged victim of the abuse or neglect receives appropriate medical assessment and treatment;

(3) If the alleged victim of the abuse or neglect is less than 21 years of age, notify the parent or guardian of or other person legally responsible for the alleged victim; and

(4) Conduct a thorough investigation of the allegations of abuse or neglect.

2. A provider of rehabilitative residential mental health care shall not allow an alleged perpetrator of abuse or neglect who has been prohibited from having direct contact with clients pursuant to subsection 1 to return to work with or to have direct contact with clients unless the investigation conducted pursuant to subsection 1 concludes that the alleged abuse or neglect did not occur.

Sec. 12. *1. During the term of a license as a provider of rehabilitative residential mental health care, the licensee shall continuously maintain the rehabilitative residential mental health care facility operated by the licensee in conformance with the provisions of sections 2 to 35, inclusive, of this regulation.*

2. Each provider of rehabilitative residential mental health care shall comply with all applicable:

(a) Federal and state laws;

(b) Local ordinances, including, without limitation, zoning ordinances; and

(c) Environmental, life safety, fire, health and local building codes.

Sec. 13. *1. A provider of rehabilitative residential mental health care shall administer a rehabilitative residential mental health care facility operated by the provider in a manner that*

enables the facility to use its resources effectively and efficiently to meet the needs of and provide quality care to its clients. The provider of rehabilitative residential mental health care shall develop and provide services for the care of its clients based on the identified needs of those clients.

2. A provider of rehabilitative residential mental health care shall define in writing the scope of services provided by each department, unit or service within a rehabilitative residential mental health care facility operated by the provider. A written scope of services must be approved by the administration and the medical staff of the rehabilitative residential mental health care facility. Each department, unit or service within a rehabilitative residential mental health care facility shall provide clients care in accordance with its scope of services. The policies and procedures of a rehabilitative residential mental health care facility and of each department, unit or service within the facility must, to the extent necessary, be integrated with the policies and procedures of the other departments, units and services within the facility.

3. The administrator of a rehabilitative residential mental health care facility shall:

(a) Ensure that the qualifications of each member of the staff of the facility are consistent with the job responsibilities of the staff member;

(b) Ensure that the competence of each member of the staff of the facility is assessed, maintained and demonstrated;

(c) Provide for an orientation process for each person hired to work at the facility that includes initial job training and information; and

(d) Assess the ability of each member of the staff of the facility to fulfill his or her specified responsibilities.

Sec. 14. *1. The administrator of a rehabilitative residential mental health care facility shall ensure that the facility has an effective quality improvement program to evaluate the provision of care to the clients of the facility.*

2. The quality improvement program described in subsection 1 must:

(a) Be ongoing;

(b) Include a written plan for carrying out the program; and

(c) Provide for the creation of a committee to oversee the program.

3. The committee created pursuant to subsection 2 to oversee the quality improvement program described in subsection 1 shall:

(a) Take and document appropriate remedial action to address deficiencies found through the quality improvement program;

(b) Document the outcome of any remedial action taken; and

(c) Initiate any assessments required by the quality improvement program.

4. When the findings of an assessment initiated pursuant to subsection 3 relate to the performance of an individual licensed practitioner, the medical staff shall determine how such a finding will be used in any peer review, ongoing monitoring and periodic evaluations of the competence of the practitioner. If the findings of such an assessment relate to the performance of a person who is not a licensed practitioner, the administrator shall determine how the finding will be used in evaluating the competence of the person.

Sec. 15. *1. Each building of a rehabilitative residential mental health care facility must be solidly constructed with adequate space and safeguards for each client. The condition of the physical environment must be maintained in a manner that ensures the safety and well-being of clients.*

2. A provider of rehabilitative residential mental health care shall develop and carry out a comprehensive plan for emergency preparedness at the rehabilitative residential mental health care facility operated by the provider. Such a comprehensive plan must:

(a) Address internal and external emergencies, both local and widespread; and

(b) Be based on current standards for disaster management and fire safety.

3. The administrator and staff of a rehabilitative residential mental health care facility shall ensure that each client is adequately protected from fire and other disasters.

Sec. 16. *A provider of rehabilitative residential mental health care that operates a rehabilitative residential mental health care facility shall ensure that:*

1. Portable fire extinguishers are installed throughout the facility at the direction of the governmental entity that has jurisdiction over fire safety at the facility.

2. Each portable fire extinguisher available at a facility is inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.

3. Each exit is maintained free of obstructions.

4. Smoke detectors are installed and maintained at the facility at the direction of the governmental entity that has jurisdiction over fire safety at the facility.

5. Smoking does not occur inside any building of the facility.

6. An extinguishing receptacle approved by the governmental entity that has jurisdiction over fire safety at the facility is placed in each area on the premises of the facility where smoking is allowed.

Sec. 17. *1. Each license issued to a provider of rehabilitative residential mental health care must designate whether the rehabilitative residential mental health care facility operated by the provider is:*

(a) Licensed to serve clients who are less than 21 years of age; or

(b) Licensed to serve clients who are 21 years of age or older.

2. A rehabilitative residential mental health care facility shall only admit and retain clients in accordance with the designation on the license made pursuant to subsection 1.

3. A rehabilitative residential mental health care facility that is licensed to serve clients who are less than 21 years of age must not be operated at the same address as a rehabilitative residential mental health care facility that is licensed to serve clients who are 21 years of age or older unless the facilities are entirely separate and there is no interaction between the clients of the separated facilities.

4. A rehabilitative residential mental health care facility must not have more clients than the number of beds for which it is licensed.

Sec. 18. *1. A provider of rehabilitative residential mental health care shall provide a client access to his or her belongings as appropriate based on the needs of the client and the phase of treatment for the client.*

2. A rehabilitative residential mental health care facility must provide a clean and comfortable bed and mattress for each client. Bed linens, blankets, pillows, washcloths and towels that are clean and in good condition must be provided to each client. A rehabilitative residential mental health care facility must have such systems as are necessary to ensure that an adequate supply of clean linens is provided to each client.

3. A rehabilitative residential mental health care facility must provide each client with necessary bedside equipment and supplies based on the needs of the client. The necessary equipment and supplies must include, without limitation, equipment for personal hygiene. The equipment and supplies must be maintained in a sanitary manner.

4. A rehabilitative residential mental health care facility must provide:

(a) Adequate lighting levels; and

(b) Comfortable and safe temperature levels.

Sec. 19. *1. A provider of rehabilitative residential mental health care shall:*

(a) Establish at the rehabilitative residential mental health care facility operated by the provider organized housekeeping services that are planned, operated and maintained to provide a clean, safe and sanitary environment; and

(b) Ensure that adequate personnel, using accepted practices and procedures, keep the rehabilitative residential mental health care facility free from offensive odors, accumulations of dirt, rubbish, dust and safety hazards.

2. A provider of rehabilitative residential mental health care shall ensure that cleaning is performed in a manner that minimizes the spread of pathogenic organisms.

3. A provider of rehabilitative residential mental health care shall develop and carry out standards and systems for the operation of laundry services. Laundry services, whether owned by the provider of rehabilitative residential mental health care or provided pursuant to a contract, must:

(a) Meet standards for a safe work environment for employees; and

(b) Address issues relating to the control of infections.

4. A provider of rehabilitative residential mental health care shall develop and carry out written policies relating to the handling, storage, transportation and processing of linens at the rehabilitative residential mental health care facility operated by the provider.

Sec. 20. *A provider of rehabilitative residential mental health care shall:*

1. Provide a sanitary environment at the rehabilitative residential mental health care facility operated by the provider to avoid sources and transmission of infections and communicable diseases;

2. Develop and carry out an active program for the prevention, control and investigation of infections and communicable diseases;

3. Develop a system for identifying, reporting, investigating and controlling infections and communicable diseases of clients and personnel; and

4. Maintain a record of incidents within the rehabilitative residential mental health care facility operated by the provider which are related to infections and communicable diseases.

Sec. 21. *A provider of rehabilitative residential mental health care shall establish and implement a policy concerning visitation by family, friends and acquaintances of clients.*

Sec. 22. *A provider of rehabilitative residential mental health care that operates a rehabilitative residential mental health care facility shall:*

1. Maintain in a secure location at the facility a record for each client evaluated or treated at the facility.

2. Ensure that each record is accurately written, promptly completed, properly filed, properly retained and accessible. A provider of rehabilitative residential mental health care shall use a system for identification and record maintenance that ensures the integrity of the authentication of the record and protects the security of all entries to the record.

3. Ensure that each record of a client is retained in accordance with the provisions of NRS 629.051.

4. Ensure that each record of a client includes information:

(a) Demonstrating the justification for the admission of the client;

(b) Supporting the diagnosis of the client; and

(c) Describing the progress of the client and his or her response to the medication and services received.

5. Ensure that all entries to a record of a client are legible and complete, and authenticated and dated promptly by the person who is responsible for ordering, providing or evaluating the services provided. In authenticating the record, the person shall include his or her name and discipline. Authentication may include the signature or written initials of the person or a computer entry by the person.

6. Ensure that each record of a client documents the following information, as appropriate:

(a) The diagnosis of the client at the time of admission;

(b) The results of all consultative evaluations of the client and the appropriate findings by clinical and other staff involved in caring for the client;

(c) Documentation of any complications suffered by the client;

(d) All orders of practitioners, reports of treatment, records of medication and other information necessary to monitor the condition of the client;

(e) A discharge summary that includes a description of the outcome of the stay at the rehabilitative residential mental health care facility, the disposition of the client's condition and the provisions for follow-up care that have been provided to the client; and

(f) The final diagnosis of the client.

7. Ensure that the record of a client is completed not later than 30 days after the date on which the client is discharged from the facility.

8. Make all records maintained pursuant to this section available to the client, his or her guardian, where applicable, and the Division.

Sec. 23. *1. A provider of rehabilitative residential mental health care shall ensure that:*

(a) The needs of each client of the rehabilitative residential mental health care facility operated by the provider are assessed by qualified personnel of the facility throughout the stay of the client at the facility. The assessment must be comprehensive and accurate in relation to the condition of the client.

(b) Each client receives the appropriate care at the time that the care is needed.

2. Each client must receive, and the provider of rehabilitative residential mental health care shall provide, individualized care and treatment based on the assessment of the client that is appropriate to the needs of the client and the severity of the condition from which the client is suffering.

3. A provider of rehabilitative residential mental health care shall reassess each client according to the policy of the provider of rehabilitative residential mental health care:

(a) When there is a significant change in the condition or diagnosis of the client; or

(b) To determine the response of the client to the care that he or she is receiving.

Sec. 24. *A provider of rehabilitative residential mental health care shall:*

1. Develop and carry out policies and procedures for admitting clients.

2. Ensure that:

(a) Each client who is 21 years of age or older receives information about the proposed care of the client.

(b) Each client who is less than 21 years of age or the parent, guardian or other person legally responsible for the client, as appropriate, receives information about the proposed care of the client.

Sec. 25. *A provider of rehabilitative residential mental health care shall:*

1. Establish and implement a process for discharge planning that applies to all clients;

2. Develop and carry out policies and procedures regarding the process for discharge planning, which must include, without limitation:

(a) An evaluation of the needs of each client relating to discharge planning; and

(b) The development of a discharge plan for each client;

3. Ensure that activities relating to discharge planning are conducted in a manner that does not contribute to delays in the discharge of the client;

4. Ensure that the evaluation of the needs of a client relating to discharge planning and the discharge plan are documented in the record of the client; and

5. Ensure that the discharge plan is discussed with the client or the person acting on behalf of the client.

Sec. 26. *1. A provider of rehabilitative residential mental health care that provides assistance to clients in the administration of medications shall maintain for at least 5 years after the receipt or administration, as applicable, of a medication:*

(a) A log for each medication received by the rehabilitative residential mental health care facility operated by the provider for use by a client. The log must include:

(1) The type and quantity of medication received by the facility;

(2) The date of delivery of the medication;

(3) The name of the person who accepted the delivery;

(4) The name of the client for whom the medication is prescribed; and

(5) The date on which any unused medication is removed from the facility or destroyed.

(b) 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 when the medication was administered;

(3) Any date and time when 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 physician, physician assistant or advanced practice registered nurse of the client.

2. An employee of a provider of rehabilitative residential mental health care may provide or administer an over-the-counter medication or dietary supplement only if the over-the-counter medication or dietary supplement has been approved in writing by the physician, physician assistant or advanced practice registered nurse of the client or another appropriate professional who is qualified to give such approval. The employee shall ensure that the medication is administered in accordance with the written instructions of the physician, physician assistant, advanced practice registered nurse or other professional.

Sec. 27. *1. Only members of the staff of a provider of rehabilitative residential mental health care who are legally authorized to administer medications may do so.*

2. A provider of rehabilitative residential mental health care shall ensure the security of all medications in accordance with applicable state law.

Sec. 28. *1. Except as otherwise provided in this section, an order for a medication or biological for a client must be in writing and signed by the person who issued the order. Such an order may only be issued by:*

(a) A practitioner, as defined in NRS 639.0125; or

(b) Another appropriate professional who is:

(1) Authorized by state or federal law to order the medication or biological; and

(2) Responsible for the care of the client.

2. When a person described in subsection 1 uses a telephone or verbal order to order a medication or biological, the order must be:

(a) Accepted by a person who is authorized by the policies and procedures of the provider of rehabilitative residential mental health care, which must be consistent with state law, to accept such an order; and

(b) Signed or initialed by the ordering person in accordance with the policies and procedures of the provider of rehabilitative residential mental health care.

3. An order for a medication or biological must include, without limitation:

(a) The name of the medication or biological;

(b) The dosage, time or frequency of administration of the medication or biological; and

(c) The route of administration of the medication or biological.

Sec. 29. *A provider of rehabilitative residential mental health care shall ensure that:*

1. An error in administering a medication to a client, an adverse reaction by a client to a medication or an incompatibility between a medication and a client is immediately reported to:

(a) The attending physician, physician assistant or advanced practice registered nurse of the client; and

(b) If appropriate, to the committee that oversees the quality improvement program established pursuant to section 14 of this regulation.

2. Any misuse or loss of a controlled substance is reported, in accordance with all applicable state and federal laws, to the person responsible for the pharmaceutical services of the provider of rehabilitative residential mental health care and the administrator of the rehabilitative residential mental health care facility.

3. Information relating to drug interactions, drug therapy, side effects, toxicology, dosage indications for use and routes of administration are made available to the professional members of the staff of the provider of rehabilitative residential mental health care.

Sec. 30. *1. A rehabilitative residential mental health care facility must be equipped with:*

(a) A common area that is furnished with comfortable furniture.

(b) A dining area that is furnished with a sufficient number of tables and chairs to provide seating for the number of clients for which the facility is licensed. The tables and chairs must be sturdy, of proper height for dining and have surfaces that are easily cleaned.

(c) A kitchen that allows for the sanitary preparation of food and is furnished with equipment that is clean and in good working condition.

2. A provider of rehabilitative residential mental health care shall ensure that:

(a) 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.

(b) Food is not stored for longer than the length of time recommended by the United States Department of Health and Human Services in "Cold Food Storage Chart," which is hereby adopted by reference. This chart may be obtained:

(1) Free of charge from the United States Department of Health and Human Services at 200 Independence Avenue, S.W., Washington, D.C. 20201, and at the Internet address https://www.foodsafety.gov/food-safety-charts/cold-food-storage-charts; or

(2) Under the circumstances described in subsection 5, on an Internet website maintained by the Division.

3. Except as otherwise provided in this section, the most current version of the guidelines adopted by reference pursuant to paragraph (b) of subsection 2 which is published will be deemed to be adopted by reference.

4. If the Division determines that an update of or revision to the guidelines adopted by reference pursuant to paragraph (b) of subsection 2 is not appropriate for use in the State of Nevada, the Division shall present this determination to the Board and the Board will not adopt the update or revision, as applicable.

5. If the guidelines adopted by reference pursuant to paragraph (b) of subsection 2 cease to exist, the last version of the guidelines that was published shall be deemed to be the current version.

Sec. 31. *A provider of rehabilitative residential mental health care shall:*

1. Provide each client with a nourishing, palatable and well-balanced diet that meets the daily nutritional and dietary needs of the client.

2. Ensure that the menu for a client meets the nutritional needs of the client in accordance with:

(a) Recognized dietary practices; and

(b) The orders of the qualified health care professionals responsible for the care of the client.

3. Ensure that not fewer than three meals are served daily to clients and not more than 15 hours elapse between the evening meal and breakfast served the following day.

4. Ensure that nourishment is provided between meals as required by diet prescription and is available to each client unless otherwise ordered by the physician, physician assistant or advanced practice registered nurse of the client.

5. Except as otherwise provided in this subsection, ensure that menus are followed. A meal may vary from the planned menu if the change is noted in writing in the records maintained by the dietary service.

6. Ensure that:

(a) A client receives a therapeutic diet if such a diet is ordered by a qualified health care professional; and

(b) Persons who are responsible for therapeutic diets have sufficient knowledge of food values to make appropriate substitutions when necessary.

Sec. 32. *A provider of rehabilitative residential mental health care shall ensure that:*

1. Adequate space for the preparation and service of food is provided;

2. Adequate space is maintained to accommodate equipment, personnel and procedures necessary for the proper cleaning and sanitizing of dishes and other utensils; and

3. For a rehabilitative residential mental health care facility with more than 10 clients, in providing for the preparation and serving of food, including, without limitation, pursuant to section 34 of this regulation, the facility:

(a) Complies with the standards prescribed in chapter 580 of NRS and the regulations adopted pursuant thereto; and

(b) Obtains the necessary permits from the appropriate food safety authority, as defined in NRS 580.080.

Sec. 33. *1. A provider of rehabilitative residential mental health care shall store, prepare, distribute and serve food under sanitary conditions.*

2. A provider of rehabilitative residential mental health care shall maintain on the premises of the rehabilitative residential mental health care facility operated by the provider at least a 1-week supply of staple foods and at least a 2-day supply of perishable foods. The supplies must be appropriate to meet the requirements of the menu. All food must be of good quality and procured from sources approved or considered satisfactory by federal, state and local authorities.

Sec. 34. *A provider of rehabilitative residential mental health care that operates a rehabilitative residential mental health care facility with more than 10 clients shall:*

1. Maintain an organized dietary service that is staffed by an adequate number of personnel to ensure that the needs of all clients are met. The dietary service must be integrated with the other departments, units and services within the rehabilitative residential mental health care facility.

2. Ensure that the personnel who provide the dietary service pursuant to subsection 1 are trained in basic techniques of food sanitation.

Sec. 35. *A provider of rehabilitative residential mental health care that operates a rehabilitative residential mental health care facility shall ensure that:*

1. The facility has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage.

2. Each faucet for a sink, tub, shower or other similar fixture is operable with hot and cold running water.

3. Each toilet is operational.

4. Each container used to store garbage outside of the facility is kept reasonably clean and covered to prevent rodents from entering the container.

5. Each container used to store garbage in the kitchen is covered with a lid or kept in an enclosed cupboard that is clean and prevents infestation by rodents and insects.

6. The premises of the facility are free of:

(a) Offensive odors, insects, rodents and accumulation of dirt, garbage or other refuse; and

(b) Hazards, including, without limitation, obstacles that impede the free movement of clients inside and outside of the facility.

7. Each window in the facility that is capable of being opened and each door that is left open to provide ventilation is screened to prevent insects from entering the facility.

8. The facility has sufficient electrical lighting to ensure the comfort and safety of clients.

9. The temperature of the facility does not exceed 82 degrees Fahrenheit or drop below 68 degrees Fahrenheit.

10. The facility remains in compliance with all applicable federal, state and local laws, regulations and ordinances concerning sanitation, safety and accessibility for persons with disabilities.

Sec. 36. NAC 449.0061 is hereby amended to read as follows:

449.0061 "Referral agency" means a business that provides referrals to ~~[residential facilities for groups]~~ ***group housing arrangements, as defined in NAC 449.27818,*** which is subject to regulation pursuant to NRS 449.0305, including, without limitation, any business entity that engages in the process of referring clients for compensation to ~~[residential facilities for groups.]~~ ***group housing arrangements.***

Sec. 37. NAC 449.0116 is hereby amended to read as follows:

449.0116 1. Except as otherwise provided in subsection 2, a licensee who wishes to renew his or her license must submit a complete application for renewal to the Division on or before ~~[November 15 of the calendar year in which]~~ ***the date on which*** the license ~~[expires.]~~ ***is scheduled to expire pursuant to NRS 449.089.*** The existing license shall be deemed valid until the submitted application for renewal is evaluated and a final determination is made by the Division concerning whether to renew the license. ~~[The Division may require an inspection of the facility to ensure that it meets the requirements of NAC 449.002 to 449.99939, inclusive, before deciding whether to renew a license.]~~

2. A licensee who ~~[, without good cause, files]~~ ***fails to file*** an application for the renewal of his or her license ~~[after]~~ ***on or before*** the date ~~[set forth in]~~ ***on which the license is scheduled to expire as required by*** subsection 1 ~~[but on or before December 31 of the calendar year in which the license expires]~~ and who wishes to renew the license must ***submit a renewal application and*** pay ~~[:~~

~~(a) The]~~ ***the*** fee required for the renewal of the license pursuant to NAC 449.013 or 449.016, as appropriate ~~[; and~~

~~(b) An additional charge 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.]~~ ***, not later than 30 days after the expiration date of the license as required by subsection 1.***

3. A licensee who ***wishes to renew his or her license pursuant to subsection 2 and*** fails to file an application ~~[for]~~ ***and pay*** the ~~[renewal of his or her license before the license expires]~~ ***appropriate fees within the time period established by subsection 2*** is ~~[not eligible]~~ ***subject*** to ~~[renew]~~ ***disciplinary action pursuant to NRS 449.160 and*** the ~~[license and, if he or she wishes]~~ ***imposition of administrative sanctions pursuant*** to ~~[be licensed, must submit an application for a new license.]~~ ***NAC 449.9982 to 449.99939, inclusive.***

Sec. 38. 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

	Fee per facility	Fee per bed in the facility
(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
(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 facility for transitional living for released offenders	3,990	146
(n) A psychiatric residential treatment facility	9,530	62
(o) A recovery center	946	72
(p) A provider of rehabilitative residential mental health care	***9,530***	***62***

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 facility for transitional living for released offenders	1,995	73
(n) A psychiatric residential treatment facility	4,765	31

(o) A recovery center 473 46

(p) A provider of rehabilitative residential mental health care 4,765 31

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 (m) of subsection 1 or paragraph (m) of subsection 2 that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

Sec. 39. NAC 449.27817 is hereby amended to read as follows:

449.27817 “Financial assessment” means an assessment to determine the intended source of payment by a client for services which will be provided by a group housing arrangement for 6

months . ~~[, including the eligibility status of the client for services as determined by Medicaid and Medicare.]~~

Sec. 40. NAC 449.27829 is hereby amended to read as follows:

449.27829 1. A referral agency shall:

(a) Complete a needs assessment and financial assessment for each client and make referrals for the services that would best meet the physical, psychosocial and financial needs and wishes of the client; and

(b) Submit to the group housing arrangement to which a client is referred a copy of the needs assessment completed by the referral agency for the client.

2. A referral agency shall not:

(a) ~~[Accept any]~~ ***In the context of a single referral, accept a*** fee ~~[, inducement or incentive, for any reason,]~~ from ~~[a]~~ ***both the client and the*** group housing arrangement ~~[, or from any person or entity associated with a group housing arrangement;]~~ ***to which the client is referred;*** or

(b) Give a discharge planner, case manager, social worker or any other person who has the responsibility of discharge planning, a fee or incentive for prospective clients.

Sec. 41. 1. This section and sections 36, 37, 39 and 40 of this regulation become effective upon filing with the Secretary of State.

2. Sections 1 to 35, inclusive, and 38 of this regulation become effective on the later of:

(a) July 1, 2026; or

(b) The date on which this regulation is filed with the Secretary of State.

INFORMATIONAL STATEMENT PER NRS 233B.066
LCB FILE NO. R116-25

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

The purpose of the proposed regulations is to modify and create regulations in accordance with: 1) Senate Bill 260 of the 2023 Legislative Session, regarding modifications to businesses that provide referrals 2) Senate Bill 514 of the 2025 Legislative Session, establishing requirements for a new facility type, rehabilitative residential mental health care facilities and 3) Senate Bill 544 of the 2025 Legislative Session, regarding modifications to renewal dates for several facilities licensed under Nevada Administrative Code (NAC) chapter 449.

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 proposed regulations and a small business impact questionnaire were distributed via email to all facilities licensed pursuant to NAC chapter 449 and other interested parties on January 13, 2026. The questions on the small business impact 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 **(2 responses were received out 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- 0 No - 2	Yes – 0 No - 2	Yes – 1 No – 1	Yes – 0 No – 0
No comments were provided.	No comments were provided.	The only comment provided was as follows: “We house mentally ill.”	No comments were provided.

Public Workshop – April 28, 2026
The public workshop was attended by several public attendees, but no comments were made by attendees regarding the proposed regulations.

Written Feedback
No written feedback was received from the time results were recorded regarding the small business impact questionnaire, through the date of public hearing and thereafter.

Public Hearing – June 5, 2026
A public hearing was held on June 5, 2026, before the Board of Health.
The Agency provided a description of the regulations and recommendation to the Board. No other testimony was provided either in support or opposition of the regulations and the Board voted to approve the regulations.

How other interested persons may obtain a copy of the summary
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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 28, 2026
There were several non-Division of Health Care Purchasing and Compliance participants who attended the public workshop virtually. No one from the public attended in-person.

There was no testimony provided by members of the public.

Public Hearing – June 5, 2026
There were several individuals that attended the public hearing virtually, including Division of Health Care Purchasing and Compliance staff and Board of Health members. The Division of Health Care Purchasing and Compliance staff also intended in-person. As there were other agenda items on the public hearing agenda it is unknown how many individuals were present specifically for the hearing on LCB Draft of Proposed Regulation R116-25.

Of those attending the public hearing, none of the public provided testimony.

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 (1)(a) (b), the Division of Health Care Purchasing and Compliance, before conducting the public workshop for the proposed regulation, made a concerted effort to determine whether the proposed regulations are 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.

After receiving data from the solicitation of small businesses (please see item 2 above) a summary was generated and titled "Small Business Impact Statement". This statement was included in both the notices for the public workshop and the public hearing.

How other interested persons may obtain a copy of the summary

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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 amended on May 5, 2026 to include modifications to NAC chapter 449 regarding businesses that provide referrals, no other changes were made to the proposed regulations, because the Division received no negative feedback prior to the adoption hearing.

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 businesses which NAC Chapter 449 regulates:

Adverse Effects:

- With the establishment of any new fees, there's a potential that prospective business operators will be discouraged from opening those businesses. However, the fees are necessary to assure the regulatory agency can perform its responsibilities to properly regulate facilities.
- There are no anticipated direct adverse effects on the industry or businesses.

Beneficial Effects:

- Establishing standards for Rehabilitative Residential Mental Health Care facilities will allow licensure and enrollment with Medicaid such that entities may legitimately operate and provide these services within the industry.
- A new applicant for a health facility license will receive the initial license valid for an entire year and would not be required to renew until the anniversary date the following year. Previously, applicants would receive an initial license valid only until December 31st of the year in which the license was issued (partial year validity) in the first year of licensure.
- Changes to NAC 449.0061, NAC 449.27817 and NAC 449.27829, should remove barriers for referral agencies and allow them to perform services with more options for reimbursement.

Immediate effects:

- The financial impacts, both adverse and beneficial, would be immediate upon passage of the proposed regulations.

Long-term effects:

- 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 effects:

- There are no anticipated adverse effects to the public.

Beneficial effects:

- Increased number of service providers.

Immediate effects:

- The beneficial impacts may not be realized immediately because it will take time to license new providers.

Long-Term effects:

- The beneficial impacts would remain long-term as facilities become licensed to provide these services.

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

The estimated cost to the agency for enforcement of the proposed regulations is negligible since licensure application fees are established to cover the costs of regulating rehabilitative residential mental health care facilities.

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 federal or State of Nevada 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;**

There are no other state or federal regulations addressing 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 estimated total annual amount the Division expects to collect is unknown because we do not know the number of facilities that will apply for licensure as rehabilitative residential mental health care facilities. This estimate is provided only for purposes of illustrating an amount based on the number of applicants.

If five (5) applicants apply in the next year with an average of 10 beds each, then (5 x $9,530 = $47,650) + (50 beds x $62 = $3,100), total = $50,750.

The fees collected would be used to cover the Division's operating costs related to the work associated with governing the licensure, regulation and investigation of rehabilitative residential mental health care facilities.

SMALL BUSINESS IMPACT STATEMENT
PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) 449

The Nevada Health Authority (NVHA), Health Care Purchasing and Compliance Division, has determined the proposed amendments will not have an 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 will not have direct negative financial impact on small businesses and they reduce the regulatory burden on the industry by modifying provisions of current regulations that are not necessary to effectively regulate certain providers.

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 establish language for implementation of AB514 of the 2025 Legislative Session. (Sections 2 – 35, and Section 37)
   2) To make modifications in order to implement AB544 of the 2025 Legislative Session. (Section 36)
   3) Making administrative modifications in order to implement SB260 of the 2023 Legislative Session. (Errata for modification of NAC 449.0061, NAC 449.27817, NAC 449.27829)

B. The major topics addressed by the proposed regulations include:
   - Licensure standards for Rehabilitative Residential Mental Health Care (RRMHC) facilities
   - Changes to the expiration/renewal dates for licensed health care facilities
   - Administrative changes to the standards for Businesses that Provide Referrals to [Residential Facilities For Groups (RFFG)], eliminating that part of the referral agency definition that speaks specifically to RFFGs

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 Health Care Purchasing and Compliance Division 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. 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 DHCPC/NVHA, members of the public subscribed to the Division's health facility specific ListServs on January 13, 2026. The proposed regulations were also posted on DHCPC'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 (2 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- 0 No - 2	Yes –0 No - 2	Yes – 1 No – 1	Yes – 0 No – 0
Comments: None	Comments: None	Comments: The only comment was as follows: "We house mentally ill."	Comments: None

2) Describe the manner in which the analysis was conducted.

An analysis of industry input collected was conducted by the Bureau of Health Care Quality and Compliance. The analysis involved analyzing feedback obtained from the small business impact questionnaire, review of the proposed regulations, review of

statutes and review of legislation 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 of 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, a new applicant for a health facility license will receive the initial license valid for an entire year and would not be required to renew until the anniversary date the following year. Previously, applicants would receive an initial license valid only until December 31st of the year in which the license was issued (partial year validity), thus requiring the licensee to renew their license in December of the year in which the license was issued.

Indirect Beneficial Effects: Indirect beneficial effects (some of which may produce direct beneficial effects) include:

- Establishing standards for Rehabilitative Residential Mental Health Care facilities will allow licensure and enrollment with Medicaid such that entities may legitimately operate and provide these services within the industry.
- Changes to NAC 449.0061, NAC 449.27817 and NAC 449.27829, should remove barriers for referral agencies and allow them to perform services with more options for reimbursement.

Direct Adverse Effects:

- There are no anticipated direct adverse effects on the industry or small businesses.

Indirect Adverse Effects:

- With the establishment of any new fees, there's a potential that prospective small business operators will be discouraged from opening those businesses. However, the fees are necessary to assure the regulatory agency can perform its responsibilities to properly regulate facilities.

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 Health Care Purchasing and Compliance Division has identified and used methods to reduce the impact of the proposed regulations on small businesses including making modifications to the proposed regulations to accommodate changes based on legislation. Based on changes made by SB260 of the 2023 Legislative Session, regulatory restrictions that present a burden to referral agencies have been removed. The standards established

in these regulations for Rehabilitative Residential Mental Health Care facilities were generated as minimal standards, in an effort to encourage growth in the industry for facilities providing this type of care and services.

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

The estimated cost for the agency to enforce the proposed regulations is anticipated to be offset by the fees being established in Section 37.

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

There is a new fee being established pursuant to Section 37. There's insufficient data available at this time to determine the total amount of revenue that will be generated based on the application fees, however, these fees were determined based on the fees for similar facility types currently found in the fee structure. As new facility types are added by new statutes or in accordance with statutory authority, the Board may authorize the Division to collect fees in accordance with NRS 449.050.

The fees collected would be used to cover the Division's operating and inspection costs related to the work associated with the addition of the new facility type, Rehabilitative Residential Mental Health Care, to ensure oversight of this new facility type and implementation of these regulations.

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 federal standards for Rehabilitative Residential Mental Health Care facilities (RRMHC). However, these regulations are designed to accommodate licensure of services very similar to those provided in Psychiatric Residential Treatment Facilities (PRTF), wherein there are federal regulations. To obtain certification, PRTF facilities must comply with federal standards as this assures national standards. Whereas RRMHCs will not adopt federal standards since certification isn't an option for this new facility type and certain populations (21 years or older) would be prohibited by the federal regulations. Medicaid does plan to offer enrollment for RRMHCs and in such case compliance with these state licensure standards are a necessity.

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 and feedback from the industry, a conclusion could be drawn regarding the impact of the regulations on small businesses.

Certification by Person Responsible for the Agency

I, Cythia Leech, Administrator of the Health Care Purchasing and Compliance Division 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 properly prepared and is accurate.

Signature _____ Date: 3/24/2026

2026

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

JUNE 30, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2026 REGULATIONS		
R010-26	**639**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to registration of pharmaceutical technicians in training **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**
R012-26	**533**	**STATE ENGINEER** A REGULATION revising various provisions relating to water resources **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**
R014-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION repealing provisions relating to endorsements in mathematics and science **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R015-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to interim endorsements in special education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R017-26	**388**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to pupils who are English learners **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R019-26	**388G**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to local school precincts **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R026-26	**638**	**NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS** A REGULATION revising various provisions relating to veterinary medicine **CONTACT Jennifer Pedigo (775) 688-1788 vetbdinfo@vetboard.nv.gov**
R029-26	**503**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to sights on ranged weapons **CONTACT Alejandra Medina (775) 688-1510 amedina@ndow.org**
R033-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to the membership of the Board of Control **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R034-26	**444**	**STATE ENVIRONMENTAL COMMISSION** A REGULATION revising provisions relating to hazardous waste **CONTACT Annalyn Settelmeyer (775) 687-9366 asettelm@ndep.nv.gov**
R035-26	**633**	**STATE BOARD OF OSTEOPATHIC MEDICINE** A REGULATION establishing provisions relating to priority processing of certain applications for licenses **CONTACT Frank DiMaggio (702) 732-2147 x233 fdimaggio@bom.nv.gov**
R038-26	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to Schedule I drugs and substances **CONTACT Darlene Nases (775) 850-1440 dnases@pharmacy.nv.gov**
R040-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION establishing provisions relating to teledentistry (AB 147, 2023) **CONTACT Adam Higginbotham (702) 486-7048 ahigginbotham@dental.nv.gov**
R041-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION establishing provisions relating to expanded function dental assistants and dental hygienists (SB310, 2023) **CONTACT Adam Higginbotham (702) 486-7048 ahigginbotham@dental.nv.gov**

R053-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION revising provisions relating to radiographic procedures **CONTACT Adam Higginbotham (702) 486-7048 ahigginbotham@dental.nv.gov**
R054-26	**631**	**BOARD OF DENTAL EXAMINERS OF NEVADA** A REGULATION revising provisions relating to notarizations and declarations **CONTACT Adam Higginbotham (702) 486-7048 ahigginbotham@dental.nv.gov**
R071-26	**449**	**STATE BOARD OF HEALTH** A REGULATION revising provisions relating to fees **CONTACT Faythe Baltisberger (775) 684-4217 sbaltisberger@health.nv.gov**
R072-26	**652**	**STATE BOARD OF HEALTH** A REGULATION revising provisions relating to fees **CONTACT Faythe Baltisberger (775) 684-4217 sbaltisberger@health.nv.gov**
R090-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to zones of attendance **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R091-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to Board meetings **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R092-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to football **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R094-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to eligibility **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**

R101-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to cancellations **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**
R102-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to age limitations **CONTACT Cate Sgroi (775) 453-1012 csgroi@niaa.com**

R010-26

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R010-26

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

AUTHORITY: § 1, NRS 639.070 and 639.1371.

A REGULATION relating to pharmaceutical technicians in training; revising provisions governing the registration of pharmaceutical technicians in training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations necessary for the protection of the public regarding the practice of pharmacy and the lawful performance of its duties. (NRS 639.070) Existing law requires the Board to adopt regulations establishing the qualifications for registration as a pharmaceutical technician, including certain training and experience. (NRS 639.1371) Existing law provides for registration as a pharmaceutical technician in training in order for a person to obtain the training and experience required to be a pharmaceutical technician. (NRS 639.0115, 639.1371) Existing regulations establish the qualifications for registration as a pharmaceutical technician in training, which include a minimum age of 18 years and a minimum educational level of graduation from high school or its equivalent. (NAC 639.242) This regulation: (1) reduces the minimum age requirement for an applicant for registration as a pharmaceutical technician in training to 16 years of age; and (2) revises the minimum education level for such registration to include enrollment in a program of instruction leading to graduation from high school or its equivalent.

Section 1. NAC 639.242 is hereby amended to read as follows:

639.242 1. An applicant for registration as a pharmaceutical technician in training must:

(a) Be [~~18~~] ***16*** years of age or older;

(b) Be a high school graduate or the equivalent [~~;~~] ***or enrolled in a program of instruction leading to such;*** and

(c) Participate in training while on the job and acquire experience that is commensurate with the duties of his or her employment.

2. The Board may deny an application for registration as a pharmaceutical technician in training if the applicant has:

(a) Been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of drug misuse.

3. A person may perform the duties of a pharmaceutical technician while the person is receiving the training and experience required by paragraph (c) of subsection 1 if he or she is registered with the Board.

4. If the Board does not deny the application pursuant to subsection 2 and determines that the applicant meets the requirements of this chapter and chapter 639 of NRS for registration as a pharmaceutical technician in training, the Board will issue a certificate of registration as a pharmaceutical technician in training to the applicant.

5. Registration as a pharmaceutical technician in training expires on October 31 of each even-numbered year unless renewed before that date.

6. The managing pharmacist of the pharmacy where a pharmaceutical technician in training is employed to receive the training and experience required by paragraph (c) of subsection 1 shall file with the Board a completed form prescribed by the Board certifying:

(a) The number of hours of training and experience the trainee has successfully completed;

(b) The specific training and experience the trainee has completed; and

(c) That the trainee is competent to perform the duties of a pharmaceutical technician.

R010-26
April 22, 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 change will lower the minimum age and modify the education requirements for an individual to register as a pharmaceutical technician in training, expanding opportunities for a broader range of applicants.

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 public comment below.

- Liz McMenamin from the Retail Association of Nevada expressed appreciation for the Board's collaboration with the industry on the proposed regulation, noting it will help expand employment opportunities in this area of healthcare.

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: 181
The number of persons who testified at the hearing was: 1
The number of agency submitted statements was: -0-

The name of persons who testified at the hearing:

- Liz McMenamin

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 below public comment.

- Liz McMenamin from the Retail Association of Nevada expressed appreciation for the Board's collaboration with the industry on the proposed regulation, noting it will help expand employment opportunities in this area of healthcare.

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 was approved by the Nevada State Board of Pharmacy Board Members with no change as the regulation met statutory requirements and is within the Board's authority. Additionally, the proposed regulation has a positive impact on the public as it increases access to patient care by expanding opportunities for a broader range of applicants to become pharmaceutical technicians in training.

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 expanding the workforce andimproving service availability.

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 expanding the workforce and improving service availability.

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.

This regulation does not provide a new or increase of fees.

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

LCB File No. R010-26

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 change will lower the minimum age and modify the education requirements for an individual to register as a pharmaceutical technicians in training, expanding opportunities for a broader range of applicants.

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 total number of small businesses likely to be affected by the proposed regulation: 174
- A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to paragraph (b) of subsection 2 of NRS 233B.0608

Notification List:

C.M. "Mac" Haddow
Doug Cammann - AnazaoHealth
Erven T. Nelson, Esq.
Frank DiMaggio – Board of Nursing
Jarod Moss, Esq.
Lea Case
John Adams
Joseph Montemorano
Julie Hamilton
Kim Tran - Integrity Compounding Pharmacy
Lain Buxton - UNR School of Medicine
Liz MacMenamin – Retail Association of Nevada
Art Olson

Martha Russell - Cardinal Health
Mary Staples – National Association of Chain Drugs Stores (NACDS)
Melissa Martin - Stateside Associates
Gail Trujillo – Nevada State Board of Nursing
Pat Evans
Rebecca Hardung, RPH
Rich Pozesky - NAMPS
Romae Kelly – Stateside Associates
Richard Bishop, RPH
Sandy Coyle
Stefanie Frank - Statewide Associates
Weldon Havins
Cory Kilgallen, RPH
Sara Rhoades
Lauren Paul
Connor Cain
Pima Medical Institute
NABP
National Association of Chain Drug Stores (NACDS) - State Pharmacy Affairs
Walgreens District Office
NV Alliance for Retired Americans
Brant Skanson
National Association of Chain Drug Stores (NACDS)
Raley's
Daniel Burkhead, MD
UMC Risk Management
Kaempfer Crowell
Pharmacy Manager - RMC/Pharmacy Mailstop 014
Nevada State Board of Medical Examiners
Dyer Lawrence Penrose - Flaherty & Donaldson
Editor, Las Vegas - Review-Journal

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 the below public comment.

- Liz McMenamin from the Retail Association of Nevada expressed appreciation for the Board's collaboration with the industry on the proposed regulation, noting it will help expand employment opportunities in this area of healthcare.

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 and on the public by expanding the workforce andimproving service availability.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be beneficial by expanding the workforce and improving service availability.

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 R010-26 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.

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 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 STATE ENGINEER

LCB File No. R012-26

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

AUTHORITY: §§ 1-6, NRS 532.120 and 533.380.

A REGULATION relating to water; revising certain definitions relating to the appropriation of water; revising certain requirements relating to an application for an extension of time to file proof of completion or proof of beneficial use; revising certain factors that the State Engineer will consider when considering such an application; revising the timeframe in which the Division of Water Resources of the State Department of Conservation and Natural Resources must review certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Upon approving an application for a permit to appropriate water, existing law: (1) requires the State Engineer to set deadlines by which construction related to the appropriation of water must be completed and an application of water to a beneficial use must be made, respectively; and (2) authorizes the State Engineer, under certain circumstances, to extend those deadlines. Additionally, existing law requires the State Engineer to adopt regulations to carry out these provisions. (NRS 533.380)

Sections 1 and 2 of this regulation revise the definitions of certain terms relating to the measure of reasonable diligence by which an applicant to appropriate water is pursuing the perfection of the appropriation.

Existing regulations require an application for an extension of time to file proof of completion or proof of beneficial use to include certain information including: (1) a written summary of the work performed to perfect the appropriation; and (2) a detailed written explanation of the work expected to be performed if the extension is granted. (NAC 533.480) **Section 3** of this regulation instead requires the application to include: (1) for the first application submitted for an extension of time, a written summary of the work performed; and (2) a detailed written plan setting forth the work expected to be performed during each year of the requested extension. **Section 3** also eliminates the requirement that an applicant for an extension of time submit a written summary of any previous extension applications submitted since December 22, 2021.

Existing law requires an application for an extension to be accompanied by proof and evidence of the good faith and reasonable diligence with which the applicant is pursuing the perfection of the application. (NRS 533.380) Existing regulations provide that in determining whether the applicant has demonstrated good faith and reasonable diligence, the State Engineer will consider certain evidence of meaningful action taken towards perfecting the appropriation

based on the manner of use of the water. (NAC 533.480) **Section 4** of this regulation instead provides that, in determining whether the applicant has demonstrated good faith and reasonable diligence, the State Engineer will consider: (1) certain evidence of affirmative and meaningful action taken by the applicant, regardless of the manner of use of the water, towards perfecting the appropriation in a reasonably expedient and efficient manner; and (2) a statement of intent to place the water to beneficial use in the future, if the State Engineer determines the statement is supported by actual evidence.

Existing regulations set forth certain factors the State Engineer will consider when evaluating whether to approve an application for extension. (NAC 533.490) **Section 5** of this regulation: (1) eliminates the requirement that the State Engineer consider the number of prior applications for an extension of time submitted by the applicant since December 22, 2021; and (2) provides that the State Engineer will also consider whether any delay in perfecting the appropriation is directly related to the efforts necessary to place the water to beneficial use in the manner intended by the permit for which the extension is sought.

Existing regulations provide that the Division of Water Resources of the State Department of Conservation and Natural Resources will review certain regulations at least once every 3 years to determine whether the regulation should be amended or repealed. (NAC 533.500) **Section 6** of this regulation instead provides the Division will review such regulations at least once every 5 years.

Section 1. NAC 533.450 is hereby amended to read as follows:

533.450 For the purposes of NRS 533.380 and 533.395:

1. "Integrated system" means a complex or unitary ~~[whole]~~ ***system*** consisting of separate, integrated and interrelated elements ~~[. The term includes, without limitation, a ranch with multiple irrigated fields and the components of a water system.]~~ ***to place water to beneficial use.***

2. "Steady application of effort" means, under all the facts and circumstances and as demonstrated by evidence, affirmative and meaningful action taken by the holder of a permit to perfect an appropriation before the time set by the State Engineer pursuant to NRS 533.380, including, without limitation, any extension previously granted by the State Engineer.

Sec. 2. NAC 533.460 is hereby amended to read as follows:

533.460 For the purposes of NRS 533.380 and 533.395 and NAC 533.390 to 533.500, inclusive, the term "project" means a planned enterprise or undertaking ~~[pursued individually or collaboratively to achieve a specific goal. The term includes, without limitation, a subdivision~~

~~with multiple phases.]~~ ***, which may include, without limitation, multiple phases to fully place water to beneficial use.***

Sec. 3. NAC 533.470 is hereby amended to read as follows:

533.470 1. An application for an extension of time to file proof of completion or proof of beneficial use pursuant to NRS 533.380 must be made on the form prescribed by the Office of the State Engineer and, in addition to the requirements of subsection 3 of NRS 533.380, must include, without limitation:

(a) The number of years the applicant is requesting to extend the time in which to file proof of completion or proof of beneficial use and an explanation for the amount of time requested;

(b) ~~[A]~~ ***For the first application for an extension of time, a*** written summary of the work performed to perfect the appropriation ~~[, beginning on the date the permit was issued;]~~ ***since the State Engineer issued the permit to appropriate water;***

(c) If the application for an extension ***of time*** is for a municipal or quasi-municipal use, any information required to address the factors considered by the State Engineer pursuant to subsection 4 of NRS 533.380;

(d) ~~[A written summary of any previous applications for an extension of time that have been submitted by the applicant since December 22, 2021, which must include, without limitation, the number of years granted for each previous application filed;~~

~~(e)]~~ If any previous application for an extension of time has been granted, a detailed written summary of the work actually performed during the previous extension period and evidence documenting the work performed during the previous extension period ~~[, which may include, without limitation, receipts, photographs, construction plans or any other evidence of reasonable diligence in the construction of work or applying water to beneficial use;~~

~~(f)~~ ***;***

(e) A detailed written ~~[explanation of]~~ ***plan setting forth*** the work expected to be performed ~~[if the extension is granted;~~

~~(g)]~~ ***during each year of the requested extension period;***

(f) Any meaningful action taken by the applicant to perfect the appropriation as described in NAC 533.480;

~~[(h)]~~ ***(g)*** Any other information that the applicant believes demonstrates the need for the extension; and

~~[(i)]~~ ***(h)*** Any other information requested by the State Engineer.

2. The State Engineer will not consider any protest or objection to an application for an extension of time.

Sec. 4. NAC 533.480 is hereby amended to read as follows:

533.480 1. When considering whether an applicant has demonstrated good faith and reasonable diligence to perform an appropriation as required by NRS 533.380, the State Engineer will consider ~~[evidence]~~ ***:***

(a) Evidence of the applicant's steady application of effort towards perfecting the appropriation and any other ***affirmative and meaningful*** action taken by the applicant towards perfecting the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances that are submitted by the applicant ~~[, including,]~~ ***; and***

(b) An applicant's statement of intent to place the water to beneficial use in the future if the State Engineer determines the statement is supported by actual evidence.

2. As used in this section, "affirmative and meaningful action" includes, without limitation:

(a) ~~[For all manners of use, as applicable:~~

~~(1) The drilling and equipping of a well at the point of diversion;~~

~~(2)]~~ ***Efforts to physically construct, maintain or upgrade diversion works or systems for transporting, distributing and applying water to beneficial use;***

(b) The installation of ~~[a meter at the location of discharge of the well;~~

~~(3) The installation of pipes or ditches to convey water to the place of use;~~

~~(4) The installation of a headgate, weir, dam or other diversionary structure at the point of diversion;~~

~~(5) The improvement of a spring;~~

~~(6)]~~ ***suitable measuring devices as required by the terms of the permit to appropriate water;***

(c) The placement of ~~[a portion of]~~ the water to beneficial use in accordance with the terms of the permit to appropriate water ~~[;~~

~~(7) Actions undertaken to complete the permitting or licensing requirements of any]~~ ***, especially where the use of the water increases over time;***

(d) Obtaining or actively pursuing permits, licenses or other approvals required by a federal, state or local agency; and

~~[(8) Any other action considered by the State Engineer to constitute significant progress in the perfection of a water right;~~

~~(b) For commercial use, the construction of infrastructure and facilities;~~

~~(c) For construction use:~~

~~(1) The number of trucks filled from a standpipe for dust control or compaction; and~~

~~(2) The progress of all projects where the water for which the permit has been issued is used;~~

~~(d) For domestic use, any activity performed in preparation for the construction of a single family residence or an accessory dwelling unit, including, without limitation, drafting construction plans, applying for permits to build or securing easements;~~

~~(e) For industrial, utility, mining, milling or dewatering use, the construction of facilities, including, without limitation, foundations, buildings, power plants, processing plants, piping and instrumentation;~~

~~(f) For irrigation use:~~

~~(1) The installation of sprinklers, wheel lines, pivots or other components of an irrigation system; and~~

~~(2) The construction of ditches, berms, check dams or any other structure used to deliver and control water on the field within the place of use;~~

~~(g) For supplemental irrigation use, the irrigation performed under the primary right to appropriate water;~~

~~(h) For municipal or quasi-municipal use:~~

~~(1) The number of completed units in the subdivision or water system;~~

~~(2) The dedication of a right to appropriate water to a subdivision, parcel or tract and the recording of the associated map within the place of use;~~

~~(3) Whether the application is consistent with the water resource plan required pursuant to NRS 278.0228; and~~

~~(4) The granting of any state or local approval, including, without limitation, approval from the Public Utilities Commission of Nevada;~~

~~(i) For recreational use, the construction of any infrastructure necessary for recreational purposes; and~~

~~(j) For stockwater or wildlife use:~~

~~(1) The construction of wind turbines, solar panels, diesel engines or any other power sources;~~

~~(2) The construction of pipes, float valves, troughs, spring boxes or any similar device;~~

~~(3) The placement of livestock on the land to which the livestock is appurtenant in accordance with the requirements of chapter 533 of NRS; and~~

~~(4) The securing of~~]

(e) Obtaining or actively pursuing legal access to ***the place of diversion or place of use, such as*** public lands **.** [~~through the appropriate agency.~~

~~2. As used in this section, "supplemental irrigation use" means the use of an additional appropriation of water for irrigation purposes which does not exceed the total duty of the existing appropriation of water to supplement the existing appropriation at the place of use of the existing appropriation during a period when the full amount of the existing appropriation is unavailable.;~~]

Sec. 5. NAC 533.490 is hereby amended to read as follows:

533.490 In reviewing an application for an extension of time to file proof of completion or proof of beneficial use submitted pursuant to NRS 533.380, the State Engineer will consider, without limitation:

1. [~~The number of prior applications for an extension of time submitted by the applicant since December 22, 2021;~~

~~2.~~] The consistent, measurable efforts of the applicant to perfect the appropriation, including, without limitation:

(a) Whether the applicant has consistently completed the actions to perfect the appropriation set forth by the applicant in previous applications for an extension;

(b) Any ***affirmative and*** meaningful ~~[actions]~~ ***action*** set forth in NAC 533.480 taken by the applicant to demonstrate his or her good faith and reasonable diligence to perfect the appropriation; ~~[and]~~

(c) Any explanation provided by the applicant for his or her failure to perfect the appropriation by the date set forth in his or her permit or previous application for an extension; ***and***

(d) Whether any delay in perfecting the appropriation is directly related to the efforts necessary to place the water to beneficial use in the manner intended by the permit for which the extension is sought;

~~[3.]~~ ***2.*** The number of years for which the applicant is requesting an extension;

~~[4.]~~ ***3.*** Whether the applicant has demonstrated good faith and reasonable diligence in constructing works and placing water to beneficial use;

~~[5.]~~ ***4.*** Whether the hydrographic basin in which the permit to appropriate water has been issued has been designated a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110 or whether there is a groundwater management plan for the basin approved by the State Engineer pursuant to NRS 534.037;

~~[6.]~~ ***5.*** Whether the application is subject to any order of the State Engineer;

~~[7.]~~ ***6.*** Any regulatory or economic conditions or natural disasters which make the applicant unable to construct the works and place water to beneficial use;

~~[8.]~~ ***7.*** Any actions taken by the applicant to comply with an order of the State Engineer; and

~~[9.]~~ ***8.*** Any other information the State Engineer determines is relevant.

Sec. 6. NAC 533.500 is hereby amended to read as follows:

533.500 The Division of Water Resources of the State Department of Conservation and Natural Resources will review the provisions of NAC 533.390 to 533.500, inclusive, at least once every ~~[3]~~ ***5*** years to determine whether the provisions of NAC 533.390 to 533.500, inclusive, should be amended or repealed.

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
Vinson Guthreau, *Director*
Joe Cacioppo, P.E., *State Engineer*

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

LCB File: R012-26

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 534

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

The amendments to NAC 533.390 through 533.500, which govern the Applications for Extension of Time to file Proof of Completion of Work or Proof of Application of Water to Beneficial Use, are necessary as the Division's recent review of the regulations identified needed updates to improve clarity, reduce burdens, and modernize the extension-of-time process. As part of this review, the Division held a public meeting and accepted written comments, which helped identify areas where the current regulations could be strengthened. The current regulations include form and process requirements that are outdated, burdensome, or inconsistent with the Division's efforts to streamline and simplify the extension-of-time process. The review also showed that improvements such as reducing the number of forms, simplifying questions, and promoting consistency across all manners of use which cannot be fully implemented without amending the regulatory language. These amendments are therefore needed to update outdated requirements, improve public accessibility, and ensure the regulations function efficiently and effectively.

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.

In October 2024, the Division held a regulations review meeting to invite public comments on the existing regulations and gather suggestions on any proposed regulatory changes. Following this meeting, the Division reviewed all the information received and began drafting updated extension of time application forms to address some of the issues raised by the public. In September 2025, the Division held a public meeting to present draft forms along with the initial concepts for regulatory updates. After this meeting, the Division initiated the Small Business Impact Survey through the Division's listserv. Once the survey was concluded, the Division completed a small business impact statement and presented it along with agency draft regulation language at the regulation workshop on November 6, 2025, where additional public provided comment. On May 19, 2026, the Division held an adoption hearing where public comment was again also provided.

Public comment in summary, see full document at the end of this summary for the full Division response:

- Water resource plans are not in regulations.
- Municipalities and counties are not in control of the rate of development.

- Municipal and Quasi-municipal rights deserve preferential consideration.
- Concerns with language update in Section 5.1.
    - Initial Draft "Whether the delays to perfect the appropriation are incident to the efforts required to place the water to beneficial use."
    - Update in response "Whether the delays in perfecting the appropriation are directly related to the efforts necessary to place the water to beneficial use in the manner intended under the water right for which the extension is being sought."
- Section 4.1 clarification on "actual evidence."
    - Based on numerous public comments, this language was identified as needing clarification. The purpose of this language is to require supporting documentation to any statement of the applicant's intentions on how they will place the water to beneficial use. For example, if an applicant for an extension of time states, "we plan to use this water in the future," then that statement must be supported by actual actions or documentation.
- Joint comments submitted by TMWA, SNWA, and NGM.
    - See response document.

The full report on the public comment and the Division's response can be accessed on the Division's website, through the link provided below, or contacting the Division at 775-684-2800. https://tools.water.nv.gov/Regulations/NAC_533_EOT/2025_Regulation_Update%20(R012-26)/11-6-2025%20Workshop/NDWR%20Response%20to%20EOT%20Public%20Comment.pdf

3. The number of persons from the public who:

a. Attended each hearing:

November 6, 2025 Workshop – 32 online, 5 in person.
May 19, 2026 Adoption Hearing – 16 online, 5 in person.

b. Testified at each hearing:

November 6, 2025 Workshop – 3 online, 2 in person.
May 19, 2026 Adoption Hearing – 4 online, 2 in person.

c. Submitted to the agency written comments:

November 6, 2025 Workshop – 8
May 19, 2026 Adoption Hearing – 1

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 (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

Person/Entity	Phone	Address	Email
Schroeder Law Offices	775-786-8800	10615 Double R Boulevard, STE 100, Reno, NV 89521	c.king@water-law.com; tau@water-law.com; c.skulan@water-law.com
TMWA	775-834-8080	P.O. Box 30013, Reno, NV 89520	EQuaglieri@tmwa.com; smorris@calnevawaterlaw.com; gdepaoli@woodburnandwedge.com; leodrozdoff@att.net
Bob Coache	702-525-1923	4280 North Tioga Way, Las Vegas, NV 89129	rcoache@aol.com
Land Development Associates, LLC	702-561-8319	7201 W. Lake Mead Boulevard, STE 245, Las Vegas, NV 89128	lisa@ldalv.com
Center for Biological Diversity	802-299-7495	P.O. Box 6205, Reno, NV 89513	slake@biologicaldiversity.org
Esmeralda County	775-485-3406	PO Box 517, Goldfield, NV 89013	jdunn@esmeraldacountynv.gov
Esmeralda Board of County Commissioners (Fred Perez)	775-485-3406	PO Box 517, Goldfield, NV 89013	fperez@esmeraldacountynv.gov
Central Nevada Regional Water Authority	-	155 North Taylor Street, Fallon, NV 89406	ccjfontaine@gmail.com
David Rigdon	775-882-9900	108 N. Minnesota St., Carson City, NV 89703	David@legalTNT.com
Chris Wagenseller	775-277-9512	PO Box 271, Goldfield, NV 89013	-
Debbie Leonard	-	955 S. Virginia St., Ste. 220, Reno, NV 89502	debbie@leonardlawpc.com
Stefanie Morris	-	-	smorris@calnevawaterlaw.com
Chris Mahannah	-	PO Box 2494, Reno, NV 89505	Chris@mah2o.com
Gordon Depaoli	-	-	gdepaoli@woodburnandwedge.com
Chris Facque	775-225-1337	P.O. Box 677, Fernley, NV 89408	chris@facqueconsulting.com
Thomas Driggs	702-480-3400	300 S. Fourth Street, Suite 1600, Las Vegas, NV 89101	tdriggs@spencerfane.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.

A Small Business Impact Survey was distributed on September 23, 2025, to municipal chambers of commerce, trade organizations and individuals subscribed to the Division's regulation listserv. A link to the survey was also posted on the Division's website.

The Division received seven responses; however, three respondents reported having more than 150 employees and therefore did not qualify as a small business. The four responses that qualified as a small business were prompted the following questions:

1. If enacted, will the proposed changes to NAC 533 have a direct adverse economic effect upon your business?
2. Will the proposed regulation have any direct beneficial effect upon your business?
3. Do you anticipate any indirect adverse effects upon your business as a result of this proposed regulation?
4. Do you anticipate any indirect beneficial effects upon your business as a result of this proposed regulation?

The table below summarizes the responses from the four qualifying small businesses:

The table below summarizes the responses from the four qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	2	2	0
No	2	2	2	4

Additional analysis was provided in the Small Business Impact Statement which was posted on the website and reviewed during the Public Workshop and Adoption Hearing. The full report can be accessed on the Division's website.

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.

During the adoption hearing, several comments were raised regarding municipal water purveyors. In response, the State Engineer stated that he would proceed with adopting the regulation as drafted. He noted, however, that the Division is developing a guidance document to assist the public in addressing the issues raised during the hearing.

A draft of this guidance document has been posted on the Division's website. The document is intended to be updated periodically to address new matters as they arise, particularly those related to specific manners of use. With this guidance framework in place to provide additional clarity and flexibility, the State Engineer concluded that the regulations were appropriate to move forward for approval.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

- **On business:** There are no adverse economic effects of the regulation on the business that it regulates. The regulation updates provide beneficial effects by allowing more flexibility in the information that may be submitted and by simplifying forms, making them easier and less time consuming to fill out.
- **On the public:** There are no adverse economic effects of the regulation on the business that it regulates. The regulation updates provide beneficial effects by streamlining the extension of time forms, increasing clarity, and reducing the effort required to complete applications.

b. Both immediate and long-term effects.

- **On business:** Immediately, businesses will spend less time and effort preparing extension requests because previously submitted information will not need to be resubmitted. Over the long term, the streamlined process will reduce administrative costs and improve regulatory efficiency.
- **On the public:** Immediately, applicants will benefit from shorter, simpler forms and a more straightforward extension process. Over the long term, reduced administrative burden will support more efficient agency operations and service delivery.

8. The estimated cost to the agency for enforcement of the adopted regulation.
The Division does not anticipate incurring any additional cost resulting from the 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 regulation does not overlap or duplicate any existing regulation.

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 regulation is not more stringent than 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 create any new fee or increase an existing fee.

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
Vinson Guthreau, *Director*
Joe Cacioppo, P.E., *State Engineer*

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

October 15, 2025

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.**

   A Small Business Impact Survey was distributed on September 23, 2025, to municipal chambers of commerce, trade organizations, and individuals subscribed to the Division's regulation listserv. A link to the survey along with a copy of the small business impact statement survey was also posted on the Division's website.

   The survey included a summary of the proposed regulation changes and began asking whether respondent's business met the definition of a small business. If the respondent qualified, they were prompted to answer the following questions.

   1. If enacted, will the proposed changes to NAC 533 have a direct adverse economic effect upon your business?
   2. Will the proposed regulation have any direct beneficial effect upon your business?
   3. Do you anticipate any indirect adverse effects upon your business as a result of this proposed regulation?
   4. Do you anticipate any indirect beneficial effects upon your business as a result of this proposed regulation?

   Depending on their responses, respondents were asked to provide additional information, including estimated monetary impacts, if applicable.

   The Division received seven responses to the questionnaire; however, three respondents reported having more than 150 employees and therefore did not qualify as a small business for the purpose of the survey. The table below summarizes the responses from the four qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	2	2	0
No	2	2	2	4

   The survey results were mixed results; however, the follow-up responses provided additional insight.

   Question 1 – Direct Adverse Economic Effect

   Respondents who answered "Yes" cited the following concerns:

1. The complexity of the regulation has added substantial costs.
2. The cancellation of permits will have a negative impact to their business.

Question 2 – Direct Beneficial Effect

Respondents who answered "Yes" noted:

1. The proposed changes would allow for their small business to operate more efficiently.
2. The new Extension of Time forms would be less time-consuming. The current form has 29 questions which takes a significant amount of time to complete.

Question 3 – Indirect Adverse Effects

The responses were exactly the same as the responses in question 1.

Question 4 – Indirect Beneficial Effects

No respondents identified indirect benefits.

Based on the responses received, it appears that one respondent was commenting on the current extension of time regulations and forms. The Division's proposal removes certain regulations which in turn will reduce the amount of time required to provide the information required by the existing regulations.

Another respondent expressed concern about the cancellation of rights. This regulation pertains to requirements for submitting an extension of time. The cancellation process is governed by NRS 533.390, 533.395 and 533.410, and is not addressed in this regulation.

The remaining two responses acknowledged that the proposed regulations and updates forms would reduce costs and administrative burden and they expressed support for the proposed updates.

2. **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.**

   The Division estimates that the proposed amendments to existing regulations do not pose a significant direct or indirect economic burden on small businesses because the proposed amendments reduce the information required to be submitted to request an extension of time.

3. **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 will hold a public workshop to accept public comments as described above. Comments received to both the Small Business Impact Survey and any that are received

during the workshop will be considered with the proposed regulations to account for and minimize impacts on businesses.

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

   There are no anticipated costs for the Division.

5. **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 proposed regulation does not create a new fee or increase an existing fee.

6. **An explanation of why any duplicative or more stringent provisions other than federal, state or local standards regulating the same activity are necessary.**

   Not applicable.

7. **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

   The Division concluded that the proposed amendments to NAC 533 are not expected to have a significant adverse impact on small businesses. The changes aim to clarify and streamline the process for requesting an extension of time to perfect a water right, reducing administrative burden and improving efficiency. Feedback from a Small Business Impact Survey was mixed; however, concerns raised were either unrelated to the proposed changes or based on misunderstandings. Two respondents noted potential benefits, including simplified forms and reduced time to complete requests. Overall, the amendments are expected to support small businesses by making regulatory compliance more straightforward and less burdensome.

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 businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,

Joe Cacioppo
State Engineer

Date: 6/15/2026

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R014-26

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. Such regulations must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by: (1) completing course work prescribed by the Department of Education; or (2) successfully completing a subject matter competency examination prescribed by the Department with a satisfactory score. (NRS 391.019)

Existing regulations require an applicant for an endorsement on a secondary license in a field of specialization or area of concentration to: (1) major or minor in a field of specialization or area of concentration; and (2) pass, at the level of competence specified by the Commission, a competency examination approved by the Commission on the subject matter of the field of specialization or area of concentration. (NAC 391.125) This regulation repeals provisions that require an applicant for a secondary license with an endorsement in biological science, general science, mathematics or physical science to be deemed to have satisfied the requirements for a major or minor in the field for which the applicant is seeking the endorsement if he or she provides evidence demonstrating the satisfaction of certain requirements, including, without limitation, that the applicant has passed certain competency tests approved by the Commission. (NAC 391.136)

Section 1. NAC 391.136 is hereby repealed.

TEXT OF REPEALED SECTION

391.136 Endorsement in mathematics and science: Conditions for substitution of course work. (NRS 391.019) An applicant for a secondary license with an endorsement in biological science, general science, mathematics or physical science shall be deemed to have satisfied the requirements for a major or minor in the field for which the applicant is seeking an endorsement if he or she provides evidence satisfactory to the superintendent of public instruction that he or she:

1. Has passed the competency test approved by the Commission pursuant to NAC 391.036 in that field and at the level of competence specified by the Commission for the endorsement;

2. Holds a bachelor's or graduate degree from a regionally accredited college or university with a major in that field;

3. Has earned at least as many semester hours of credit in his or her major field as the number of semester hours of credit required for an endorsement; and

4. Meets all the requirements specified for secondary licensure pursuant to NAC 391.120.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R014-26, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R014-26 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R014-26

The Commission on Professional Standards in Education will hold a public hearing **at 9:07 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.136 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, February 18, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:08 A.M. Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, February 13, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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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Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 30, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R015-26

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

AUTHORITY: § 1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law additionally requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before the completion of all courses of study or other requirements for a license in this State. (NRS 391.032)

Existing regulations provide for the issuance of an interim endorsement in special education to an applicant who is employed by a school district or charter school in an assignment for which an endorsement in an area of specialization related to special education is otherwise required. An interim endorsement in special education may be converted to an initial endorsement in an area of specialization related to special education if the holder has, after the completion of at least 2 full school years: (1) successfully completed the requirements set forth in the written agreement entered into with the board of trustees of the school district or the governing body of the charter school, as applicable, to complete any remaining requirements for an endorsement within 3 years after the date on which the interim endorsement was issued; (2) received at least one performance evaluation rating designating the overall performance of the licensee as highly effective or effective during each school year; (3) satisfied the requirements for an initial endorsement; and (4) paid the required fee. (Section 1 of LCB File No. R011-24) **Section 1** of this regulation removes the requirements that the holder has: (1) completed at least 2 full school years; and (2) received at least one performance evaluation rating designating the overall performance of the licensee as highly effective or effective during each school year.

Section 1. Section 1 of LCB File No. R011-24 is hereby amended to read as follows:

1. The Superintendent of Public Instruction shall issue an interim endorsement in special education to a person who submits an application which is accompanied by proof satisfactory to the Superintendent that the applicant:

(a) Holds a bachelor's degree or a more advanced degree;

(b) Holds a valid renewable elementary, secondary or special teaching license, a valid license to teach special education, a valid license to teach middle school or junior high school education or a valid renewable license to teach pupils in a program of early childhood education;

(c) Is employed by a school district or charter school in an assignment for which an endorsement issued pursuant to NAC 391.340, 391.343, 391.360, 391.363, 391.367, 391.378 or 391.390 is otherwise required and has entered into a written agreement with the board of trustees of the school district or the governing body of the charter school, as applicable, to complete any remaining requirements for an endorsement issued pursuant to NAC 391.340, 391.343, 391.360, 391.363, 391.367, 391.378 or 391.390, as applicable, within 3 years after the date on which the interim endorsement was issued; and

(d) Has paid the fee required by NAC 391.045.

2. An interim endorsement in special education issued pursuant to this section:

(a) Authorizes the holder of the interim endorsement to be employed as a teacher in a public school, including, without limitation, a charter school in an assignment for which an endorsement issued pursuant to NAC 391.340, 391.343, 391.360, 391.363, 391.367, 391.378 or 391.390 is otherwise required;

(b) Becomes valid on the date on which the holder of the interim endorsement satisfies the requirements prescribed by subsection 1;

(c) Except as otherwise provided in subsection 4, is valid for not more than 3 years; and

(d) Is not renewable.

3. If the holder of an interim endorsement issued pursuant to this section ceases to be employed in the assignment described in paragraph (c) of subsection 1, the board of trustees of the school district or the governing body of the charter school with whom the holder entered into a written agreement pursuant to subsection 1 must, not later than 15 days after the holder ceases to be employed in the assignment, notify the Office of Educator Licensure within the Department of the name and license number of the holder and the date on which the holder ceased to be employed in the assignment. The interim endorsement automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator Licensure.

4. The holder of an interim endorsement in special education that has become invalid pursuant to subsection 3 may, at any time within 1 year after the date on which the interim endorsement was issued, apply to the Superintendent of Public Instruction for the reinstatement of the endorsement if the holder:

(a) Resumes employment in an assignment described in paragraph (c) of subsection 1;

(b) Enters into the written agreement required by paragraph (c) of subsection 1; and

(c) Pays the fee required by NAC 391.045.

5. The requirements for the reinstatement of an interim endorsement in special education prescribed by subsection 4 apply regardless of whether:

(a) The assignment is in the same area of specialization as the area of specialization of the interim endorsement that has become invalid.

(b) The holder resumes employment with the same school district or charter school or obtains employment with a different school district or charter school.

6. An interim endorsement in special education may be reinstated pursuant to subsection 4 not more than once.

7. An interim endorsement in special education issued pursuant to this section may be converted to an initial endorsement issued pursuant to NAC 391.340, 391.343, 391.360, 391.363, 391.367, 391.378 or 391.390, as applicable, ~~[after the completion of at least 2 full school years]~~ if the holder has:

(a) Successfully completed the requirements set forth in the written agreement entered into pursuant to paragraph (c) of subsection 1;

(b) ~~[Received at least one performance evaluation rating designating the overall performance of the licensee as highly effective or effective during each school year;~~

~~(c)]~~ Satisfied the requirements for an initial endorsement prescribed by NAC 391.340, 391.343, 391.360, 391.363, 391.367, 391.378 or 391.390, as applicable; and

~~[(d)]~~ ***(c)*** Paid the fee required by NAC 391.045.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R015-26, Adopted by the Commission on Professional Standards in Education. 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:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engaged with the field and legislation to ensure that these requirements are modern, rigorous, and responsive.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**6**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R015-26 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on April 15, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, April 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 210
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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 Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@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 NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

3. **President's Report**
   - Amy Rozar, President

4. **Approval of Minutes *(Information/Discussion/For possible action)***
   - February 18, 2026

5. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, College of Education, University of Nevada, Las Vegas

6. **Praxis Exams without a Bridge option *(Information/Discussion/For possible action).*** The Commission with review data provided by Educational Testing Service to address an equitable solution for exams that do not offer the Praxis Bridge option. The Commission may adopt new passing scores or not adopt new passing scores.
    - Dr. Mark Kirkemier, Director of Educational Partnerships, Educational Testing Service
    - Jeff Briske, Director, EDLiFE

9:00 A.M.

7. **Public Hearing R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX - Endorsements *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; authorizing the Superintendent of Public Instruction to change the name of certain endorsements on licenses or to remove certain endorsements on licenses under certain circumstances; and providing other matters properly relating thereto. This endorsement will allow the Department, upon approval from the Commission, to rename or remove endorsements. The Commission may adopt or not adopt this regulation.

9:01 A.M

8. **Public Hearing R070-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions relating to an endorsement to teach pupils in the Junior Reserve Officers' Training Corps program; and providing other matters properly relating thereto. This regulation will allow the Department to issue an endorsement with a provisional certification and ensure that a person holds the endorsement for the assignment. The Commission may adopt or not adopt this regulation.

9:02 A.M.

9. **Public Hearing R097-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; requiring a person who provides audiological services to pupils who are at least 3 years of age but less than 22 years of age to have an endorsement issued by the Department of Education to provide those audiological services; exempting from this requirement current employees who provide those audiological services and who maintain continuous employment; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.

9:03 A.M.

10. **Public Hearing R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391 and R100-24 – Apprentice License *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring a person who holds only a provisional special license with an endorsement as a registered apprentice to teach full-time for at least 1 year before applying for an initial license; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation

9:04 A.M.

11. **Public Hearing R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as music therapist.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising the requirements for the issuance of an endorsement to serve as a music therapist; revising the expiration date of such an endorsement; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and other conforming language. The Commission may adopt or not adopt this regulation.

9:05 A.M.

12. **Public Hearing R109-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.315 – Endorsement to serve as school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education personnel; interpreting the term "a person who is employed by a public school in a position to provide support or other services" for certain purposes; reorganizing and revising the requirements to obtain an endorsement to serve as a school psychologist; repealing certain requirements to obtain an endorsement to serve as a school psychologist; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 277 and update contemporary practices, standards, and research in school psychology to address appropriate qualifications, training and scope of practice. The Commission may adopt or not adopt this regulation.

9:06 A.M.

13. **Public Hearing R115-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility, NAC 391.392 – Endorsement to teach program of alternative education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an endorsement to teach certain programs for exceptional pupils; and providing other matters properly relating thereto. This regulation will require a person to hold the corresponding endorsement. The Commission may adopt or not adopt this regulation.

9:07 A.M.

14. **Public Hearing R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; repealing provisions authorizing an applicant for an endorsement on a secondary license in a certain field of specialization or area of concentration to satisfy the requirement for a major or minor in the applicable field or area by providing evidence that the applicant has satisfied certain requirements; and providing other matters properly relating thereto. The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may adopt or not adopt this regulation.

9:08 A.M.

15. **Public Hearing R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC endorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

9:09 A.M.

16. **Public Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to create an endorsement in Trauma Informed Instruction. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

17. **Public Workshop R043-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow an elementary license holder to obtain an early childhood endorsement provisionally. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

18. **Public Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Special Education Endorsement for pupils ages 3-8 inclusive** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation creating a pathway for Early Childhood Special Education license holders to obtain an Early Child Autism Endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

19. **Course of Study Approval for the Science of Reading in Senate Bill 460 (2025) Sections 39 and 56.2** ***(Information/Discussion/For possible action).*** The Commission will hear a presentation for microcredential course of study approval designed by the Department to satisfy the components of SB460 Sec. 39 and 56.2 for school administrators. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional (EDLiFE)
    - Heather Crabtree, Management Analyst, (EDLiFE)

20. **Future Agenda Items**
    - Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public comment can be provided in person at a meeting location, via email at COPS@doe.nv.gov, or by calling 775-321-6111, entering conference ID: 647010115# and wait for the conference organizer to invite you to provide your public comment.

22. Adjournment

Joe Lombardo
Governor

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 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

March 13, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R015-26

The Commission on Professional Standards in Education will hold a public hearing **at 9:08 A.M.** on **Wednesday, April 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391 and R011-24 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 and 391.032.

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:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

    NRS 391.032, the Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; eliminating certain requirements for the conversion of an interim endorsement in special education to an initial endorsement; and providing other matters properly relating thereto. This regulation will remove the 2-year requirement and 2 effective evaluations to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may adopt or not adopt this regulation.

3. 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 regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, April 10, 2026.** A record of all submitted comments will be retained, and the Commission 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 the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

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AGENDA

1. **Call to Order; Roll Call; 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. The President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E Flamingo Road, Suite 210
Las Vegas, Nevada 89119-0811
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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 Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, February 18, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:09 A.M. Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements. The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.

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 geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, February 13, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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

Victor Wakefield
Superintendent of Public Instruction

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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 30, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements.

I, Victor Wakefield, 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 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. Comments have 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,

Dr. Victor Wakefield
Superintendent of Public Instruction

R017-26

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R017-26

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

AUTHORITY: § 1, NRS 385.080 and 388.405.

A REGULATION relating to education; revising requirements governing the periodic assessment of pupils who are English learners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the board of trustees of each school district to develop a policy for the instruction to teach English to pupils who are English learners; and (2) the State Board of Education to adopt regulations prescribing criteria for such policies. (NRS 388.405, 388.407) Existing regulations require a policy for the instruction to teach English to pupils who are English learners to provide for the: (1) initial identification of such pupils; and (2) periodic assessment and reassessment of such pupils. (NAC 388.540) This regulation revises these requirements by requiring the: (1) Department of Education to adopt certain metrics for measuring performance established by the publisher of the assessment; and (2) application of such metrics during the periodic assessment of such pupils.

Section 1. NAC 388.540 is hereby amended to read as follows:

388.540 ***1.*** A policy for the instruction to teach English to pupils who are English learners must, without limitation:

[~~1.~~] ***(a)*** Provide for the initial identification of pupils who are English learners using the standardized statewide entrance and exit procedures for identifying such pupils that are adopted by the Department and approved by the State Board. ***The Department shall include as components of such procedures, without limitation, provisions for the adoption and***

application of measurements for determining the performance level of a pupil who completes an assessment used to identify a pupil as an English learner established by the publisher of such an assessment.

~~[2.]~~ ***(b)*** Provide for the periodic assessment of pupils who are English learners by:

~~[(a)]~~ ***(1)*** Formally evaluating the proficiency in English and academic achievement of pupils who are English learners, including, without limitation, by annually administering the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810; and

~~[(b)]~~ ***(2)*** Informally evaluating the proficiency in English and academic achievement of pupils who are English learners.

~~[3.]~~ ***(c) Provide for the adoption and application of the proficiency levels and cut scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 when administering the assessment pursuant to paragraph (b).***

(d) Provide for the reassessment of a pupil who is identified as an English learner pursuant to standardized statewide procedures for reassessing such pupils that are adopted by the Department and approved by the State Board.

2. As used in this section, "cut scores" means the scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 and used by an entity administering the assessment to determine the performance level of a pupil who completes the assessment.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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NEVADA DEPARTMENT OF EDUCATION

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R017-26, Adopted by the Nevada State Board of Education
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 Department identified the need to make updates regarding proficiency benchmarks or cut scores for the English language proficiency exam should the vendor of the exam make such an update. This need was identified after the vendor for the Nevada English language proficiency exam, WIDA, made such updates before the testing window in spring of 2026.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R017-26 at the time of the hearing or workshop.

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

summary.
This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
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 R017-26 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:04 PM** on **Wednesday, April 22, 2026,** 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:** The Department is responsible for the identification of English learners through standardized assessment per NRS 388.405 and under federal law.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides the Department flexibility to adapt cut score or proficiency rate measures in alignment with changes made by the selected standardized assessment.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
JANUARY 27, 2026
1:30 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 Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA – REVISED JANUARY 20, 2026

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. **1:31 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Education Service Center was created by Senate Bill 460 (2025) to manage and provide support programs for local school districts and charter schools. The proposed regulations will define how the Center operates by setting specific requirements for its Board of Directors, establishing the qualifications and hiring process for the Executive Director, setting fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensuring public accountability through a website and annual reports to state leadership regarding the Center's activities and funding.
   - Dr. Steve Canavero, Executive Director, Nevada Education Service Center

4. **1:32 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388G REGARDING THE ORGANIZATION OF LARGE SCHOOL DISTRICTS** *(For possible action)*

To comply with changes to NRS 388G within Senate Bill 460 (2025), this regulation seeks to remove regulatory language that no longer has a statutory basis as it relates to the organization of large school districts, to include the Clark County School District.

- Lisa Ford, Chief Strategy Officer, Nevada Department of Education

5. **1:33 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING CHILDREN PLACED IN RESIDENTIAL TREATMENT FACILITIES** *(For possible action)*
   Regulation R131-22 relates to requirements in effect for the placement of children in residential treatment centers for psychiatric care, particularly those in the custody of child welfare services. This regulation defines terminology, establishes provisions regarding student individualized education plans, and actions necessary for treatment centers to be eligible for reimbursement.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
   - Candace Bortolin, Program Officer, Office for a Safe and Respectful Learning Environment

6. **1:34 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388D REGARDING SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS** *(For possible action)*
   Senate Bill 460 (2025) revised and introduced various accountability provisions related to scholarship-granting organizations and private schools; the proposed regulations create conforming changes to NAC, to include removing duplicated provisions and introducing provisions regarding reporting requirements.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Andrew Morgan, Education Programs Professional, Office for Student and School Supports

7. **1:35 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING DEFINTIONS FOR ENGLISH LEARNERS** *(For possible action)*
   Responsive to changes in Assembly Bill 335 (2025), this regulation seeks to define specific terms related to English learners for the purposes of state accountability reporting.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Sarah Russell, Education Programs Professional, Office for Student and School Supports

8. **1:36 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENT** *(For possible action)*
   The English Language Proficiency Assessment, or WIDA exam, regularly updates its cut scores for proficiency assessment; the proposed regulation seeks to conform regulatory authority so that the Department may responsively issue updates for statewide proficiency cut scores in Nevada.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Sarah Russell, Education Programs Professional, Office for Student and School Supports

9. **1:37 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The proposed regulation makes conforming changes to the uniform grading scale responsive to dual credit courses and removes outdated references to the 2014-15 school year.
   - Andrew Snyder, Education Programs Professional, Office of Teaching and Learning

10. **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.

11. **ADJOURNMENT**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Tuesday, January 27, 2026,** 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:36 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.540 regarding the identification and assessment of English learners.

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 leading up to and for the duration of the workshop.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.540

The proposed regulation regarding the identification and assessment of English learners is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Victor Wakefield, 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 is accurate.

Dr. Victor Wakefield
Superintendent of Public Instruction
Nevada Department of Education

R019-26

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R019-26

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

AUTHORITY: §§ 1-4, NRS 388G.590, as amended by section 33.53 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3422.

A REGULATION relating to local school precincts; updating certain references; repealing certain regulations relating to the transfer of certain responsibilities to local school precincts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the reorganization of large school districts, which are school districts that have more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District). (NRS 388G.510-388G.810) Existing law deems each public school within a large school district to be a local school precinct. (NRS 388G.600, as amended by section 33.54 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3422)

Before the enactment of Senate Bill No. 460 (S.B. 460) during the 2025 Legislative Session, the provisions of former NRS 388G.610 required the superintendent of a large school district to transfer to each local school precinct in the large school district the authority to carry out certain responsibilities, thereby enabling local school precincts to operate using site-based decision making. However, S.B. 460 repealed this authority. (Section 85 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3484) Additionally, S.B. 460 eliminated a requirement that the superintendent of a large school district allocate a certain percentage of certain unrestricted funds to local school precincts in the district. (NRS 388G.660, as amended by section 33.57 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3424) Existing regulations establish provisions authorizing the principal of a local school precinct to take certain actions with respect to the manner in which the local school precinct: (1) carries out the responsibilities transferred to the local school precinct; and (2) uses the unrestricted funds allocated to the local school precinct. (NAC 388G.110-388G.140 and section 1 of Adopted Reg. of Bd. of Education, LCB File No. R064-22) **Section 4** of this regulation repeals these obsolete provisions. **Sections 1 and 2** of this regulation eliminate references in existing regulations to provisions of: (1) the Nevada Administrative Code repealed by **section 4**; and (2) the Nevada Revised Statutes repealed by S.B. 460. **Section 3** of this regulation updates a reference to a section of the Nevada Revised Statutes which was repealed by S.B. 460.

Section 1. NAC 388G.100 is hereby amended to read as follows:

388G.100 1. The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to NRS 388G.700 and for any other disputes relating to the provisions of ***this section,*** NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, ~~[NAC 388G.100 to 388G.140, inclusive,]~~ and sections 2 and 3 of LCB File No. R063-22.

2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:

(a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.

(b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.

(c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:

(1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.

(2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.

3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include a:

(a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;

(b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and

(c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.

4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:

(a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.

(b) Notify the school district and the person who made the request of its decision.

5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.

6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour dispute resolution session before:

(a) The hearing officer for whom the school district expressed a preference;

(b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and

(c) A hearing officer selected by the Department.

7. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.

8. If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to NRS 385.175. Such a request and any response to such a request by the school district must be made available to members of the public upon request.

9. The actual cost of a dispute resolution process pursuant to this section is the sole responsibility of the large school district and includes, without limitation, the expense of and compensation for hearing officers selected pursuant to subsections 5 and 6, and any financial burden related to consequences imposed for noncompliance with the provisions of ***this section,*** NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, ~~[NAC 388G.100 to 388G.140, inclusive,]~~ and sections 2 and 3 of LCB File No. R063-22.

Sec. 2. Section 2 of LCB File No. R063-22 is hereby amended to read as follows:

1. A large school district shall, at least annually, provide mandatory training on the provisions of this section, NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, NAC 388G.100 ~~[to 388G.140, inclusive,]~~ and section 3 of LCB File No. R063-22 to:

(a) All voting members of the board of trustees of the large school district;

(b) The superintendent of schools of the large school district;

(c) All members of the cabinet of the superintendent of schools, if any;

(d) All supervisors of a principal;

(e) All principals employed by the large school district; and

(f) Any person who is a member of an organizational team of a local school precinct within the large school district.

2. The training provided pursuant to subsection 1 must be approved by the Superintendent of Public Instruction or his or her designee before delivery. Upon such approval, any training materials must be made available on the Internet website of the large school district.

Sec. 3. Section 3 of LCB File No. R063-22 is hereby amended to read as follows:

1. The principal of a local school precinct:

(a) Shall select teachers for the local school precinct pursuant to subsection 2 of NRS ~~[388G.610]~~ ***388G.700*** who, as determined by the principal, meet the needs of the local school precinct pursuant to the plan of operation for the local school precinct.

(b) May select teachers for the local school precinct who are not in good standing if the principal determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct.

(c) May select substitute teachers for the local school precinct only if the principal:

(1) Determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct, including, without limitation, the staffing of the local school precinct as described in the plan of operation;

(2) Does not engage in discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex in making such a selection; and

(3) Complies with the procedures established by the large school district pursuant to subsection 3.

2. A large school district shall provide each principal of a local school precinct access to the current electronic human resources system of the school district which, at a minimum, allows each principal seeking to fill a vacant position to create and view a list of all licensed teachers who are employed by the school district and eligible to fill the vacant position. The list must include, without limitation, the contact information of each teacher and a designation of whether each teacher is in good standing.

3. A large school district shall establish procedures for the selection of a substitute teacher by the principal of a local school precinct. Such procedures must include, without limitation, requirements that each principal:

(a) Demonstrate and retain records documenting that the principal has selected teachers in good standing for the local school precinct to the greatest extent possible.

(b) Demonstrate and retain records documenting all reasons, pursuant to the plan of operation for the local school precinct, that a teacher in good standing was not selected, if such a teacher

was available for selection. For the purposes of this paragraph, a principal may not use financial savings as a reason not to select a teacher in good standing.

(c) Actively monitor each substitute teacher who was selected to fill a vacancy at the local school precinct.

(d) Ensure that a person holding a special license as an emergency substitute teacher issued pursuant to NAC 391.0896 fills a vacancy in the local school precinct only if a licensed teacher, including a substitute teacher, is not available to fill the vacancy.

4. If the principal of the local school precinct fails to demonstrate that teachers in good standing have been selected to fill vacancies at the local school precinct to the greatest extent possible, a large school district may place a teacher in good standing in a position which is vacant or for which a substitute teacher was selected at the local school precinct.

5. A large school district shall provide a report to the Board on or before June 30 and December 30 of each year which includes, without limitation, for the time period since the previous report, for each vacancy at a local school precinct for which a substitute teacher was selected:

(a) The number of teachers in good standing and not in good standing who were available to be selected for the vacancy;

(b) The number of teachers in good standing and not in good standing who were interviewed for the vacancy;

(c) All reasons that a teacher in good standing was not selected for the vacancy; and

(d) All justifications used for selecting a substitute teacher for the vacancy.

6. As used in this section:

(a) "Active discipline" means a written warning, admonition, suspension or dismissal, including any such action which is subject to a dispute regarding an interpretation, application or alleged violation of any provision of a collective bargaining agreement, which has been made within:

(1) The 2 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing; or

(2) The 3 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing, if another action was made within the 2 years immediately preceding the date of the most recent action.

(b) "In good standing" means a teacher who:

(1) Holds a valid license issued pursuant to chapter 391 of NRS;

(2) Has received an overall performance rating of highly effective or effective under the statewide performance evaluation system established by the Board pursuant to NRS 391.465 for the most recent school year or, if the teacher is a probationary employee, as defined in NRS 391.650, on an initial term of probation, a rating of highly effective, effective or developing;

(3) Has no active discipline in his or her personnel file;

(4) Has had fewer than 10 absences for reasons other than documented medical reasons during the last school year; and

(5) Is not prohibited from employment pursuant to NRS 391.850 to 391.930, inclusive.

(c) "Substitute teacher" means a person who holds an endorsement as a substitute teacher on a special license or a provisional special license issued pursuant to subsection 2 of NAC

391.0897, and who does not hold any additional valid license described in paragraph (a) of subsection 1 of NAC 391.0897.

Sec. 4. NAC 388G.110, 388G.120, 388G.130 and 388G.140 and section 1 of LCB File No. R064-22 are hereby repealed.

TEXT OF REPEALED SECTIONS

388G.110 Service level agreements: When required; required provisions. (NRS 388G.590)

1. If authority to carry out a responsibility is transferred from a large school district to a local school precinct pursuant to NRS 388G.610, and the local school precinct wishes to have the large school district carry out the responsibility, the large school district must enter into a service level agreement with the principal of the local school precinct.

2. A service level agreement entered into pursuant to this section must describe, without limitation:

(a) The purpose of the responsibility to be carried out by the large school district;

(b) Any laws, policies or regulations applicable to the manner in which the responsibility is carried out;

(c) The roles and responsibilities remaining with the local school precinct or the principal with respect to the responsibility;

(d) A description of the scope of the responsibility which the large school district will carry out and the manner in which the quality of any services provided will be measured; and

(e) A description of any actions that a local school precinct may take if it is not satisfied with the manner in which the large school district carries out the responsibility pursuant to the agreement.

3. A service level agreement entered into pursuant to this section must include the amount of money which the local school precinct agrees to pay the large school district to carry out the responsibility described in the agreement.

388G.120 Service level agreements: Annual determination of services to be offered by large school district; establishment of draft agreements; publication of draft agreements. (NRS 388G.590)

1. Each school year, a large school district shall determine which responsibilities it will offer to provide for a local school precinct for the next school year and establish a draft service level agreement for the provision of that responsibility. The large school district shall provide each draft service level agreement to each school associate superintendent.

2. Upon receipt of the draft service level agreements pursuant to subsection 1, a school associate superintendent must meet with the principal of each local school precinct for which he or she is responsible to review and solicit comments on the standard draft service level agreement.

3. The school associate superintendent shall compile a report of the comments received from principals and provide that report to the superintendent of the large school district. The superintendent of the large school district shall finalize each draft service level agreement for the next school year after receiving and considering such reports.

4. On or before January 15 of each year, the superintendent of a large school district shall publish and make available to the principals of local school precincts each draft service level agreement for responsibilities for which the large school district is willing to enter into a service level agreement to carry out for local school precincts for the next school year.

388G.130 Service level agreements: Negotiation of specific terms; inclusion of assignment of central staff deemed to satisfy certain requirements; prohibited provisions. (NRS 388G.590)

1. The principal of a local school precinct that wishes to enter into a service level agreement with the large school district may use a draft service level agreement created pursuant to NAC 388G.120 to negotiate the specific terms of the service level agreement.

2. If a service level agreement includes assignment of staff from central services, the service level agreement shall be deemed to satisfy the requirements set forth in subsection 6 of NRS 388G.610.

3. A service level agreement must not provide:

(a) Central services with supervisory authority over the principal of the local school precinct or any member of the staff who works under the direct supervision of the principal; or

(b) The principal of a local school precinct or any member of the staff who works under the direct supervision of the principal with supervisory authority over a member of the staff of central services.

388G.140 Use of certain money allocated to local school precinct; conditions under which money deemed allocated to local school precinct. (NRS 388G.590)

1. The principal of a local school precinct may, in accordance with a plan of operation developed pursuant to NRS 388G.700, determine the manner in which to use money allocated to the local school precinct pursuant to NRS 388G.660, including, without limitation, whether to use the money allocated to carry out a responsibility for which the local school precinct has been transferred authority or use the money allocated in another way.

2. Money shall be deemed allocated to a local school precinct pursuant to NRS 388G.660 only when the money is included in the portion of the budget for the local school precinct over which the local school precinct has control and discretion with respect to the manner in which the money is used.

Section 1 of LCB File No. R064-22:

Sec. 1. The State Board interprets "other staff who work under the direct supervision of the principal," as used in NRS 388G.610, to mean any employee who is:

1. Assigned to the local school precinct;

2. Evaluated by the principal or a designee of the principal; and

3. Not a member of central services.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R019-26, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388G:

1. **A clear and concise explanation of the need for the adopted regulation:**
   Changes under SB460 (2025) removed authorizing statute from NRS 388G; this regulation makes conforming changes by removing NAC no longer authorized or referenced in NRS.

2. **A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**
   Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**4**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. Submitted Written Statements for Workshop (**0**) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**
   No public comment was provided specific to R019-26 at the time of the hearing or workshop.

5. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**
   This regulation regulates public education and does not have authority over private industry or small

businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings.

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 Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. **The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**
   There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.**
    There are none specific to this provision.

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.

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.

STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 Livestream

PUBLIC NOTICE

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 Hearing 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 acthibault@doe.nv.gov ***no later than Friday, April 17****. 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 contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Amelia Thibault via email at acthibault@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 and Nevada State Library and Archives. 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. **3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (***For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. **3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. **3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).
   - Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. **3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.
   - Sarah Russell, Education Programs Professional, Office of Student and School Supports
   - Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. **3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. **3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. **3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.
   - Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. **3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS** (*For possible action)*
    The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.
    - Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
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 R019-26 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:03 PM** on **Wednesday, April 22, 2026,** 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 388G.

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:** Provisions were repealed in SB460 (2025) requiring the Department to make commensurate changes in regulation.

2. **Description of the proposed regulation or the subjects and issues involved:** The proposed regulation repeals language that is no longer supported by statute.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

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

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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
REGULATIONS WORKSHOP AGENDA
JANUARY 27, 2026
1:30 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 Livestream

PUBLIC NOTICE

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 contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may 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 Castellano via 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 and Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA – REVISED JANUARY 20, 2026

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. **1:31 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Education Service Center was created by Senate Bill 460 (2025) to manage and provide support programs for local school districts and charter schools. The proposed regulations will define how the Center operates by setting specific requirements for its Board of Directors, establishing the qualifications and hiring process for the Executive Director, setting fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensuring public accountability through a website and annual reports to state leadership regarding the Center's activities and funding.
   - Dr. Steve Canavero, Executive Director, Nevada Education Service Center

4. **1:32 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388G REGARDING THE ORGANIZATION OF LARGE SCHOOL DISTRICTS** *(For possible action)*

To comply with changes to NRS 388G within Senate Bill 460 (2025), this regulation seeks to remove regulatory language that no longer has a statutory basis as it relates to the organization of large school districts, to include the Clark County School District.

- Lisa Ford, Chief Strategy Officer, Nevada Department of Education

5. **1:33 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING CHILDREN PLACED IN RESIDENTIAL TREATMENT FACILITIES** *(For possible action)*
   Regulation R131-22 relates to requirements in effect for the placement of children in residential treatment centers for psychiatric care, particularly those in the custody of child welfare services. This regulation defines terminology, establishes provisions regarding student individualized education plans, and actions necessary for treatment centers to be eligible for reimbursement.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
   - Candace Bortolin, Program Officer, Office for a Safe and Respectful Learning Environment

6. **1:34 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388D REGARDING SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS** *(For possible action)*
   Senate Bill 460 (2025) revised and introduced various accountability provisions related to scholarship-granting organizations and private schools; the proposed regulations create conforming changes to NAC, to include removing duplicated provisions and introducing provisions regarding reporting requirements.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Andrew Morgan, Education Programs Professional, Office for Student and School Supports

7. **1:35 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING DEFINTIONS FOR ENGLISH LEARNERS** *(For possible action)*
   Responsive to changes in Assembly Bill 335 (2025), this regulation seeks to define specific terms related to English learners for the purposes of state accountability reporting.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Sarah Russell, Education Programs Professional, Office for Student and School Supports

8. **1:36 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENT** *(For possible action)*
   The English Language Proficiency Assessment, or WIDA exam, regularly updates its cut scores for proficiency assessment; the proposed regulation seeks to conform regulatory authority so that the Department may responsively issue updates for statewide proficiency cut scores in Nevada.
   - Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
   - Sarah Russell, Education Programs Professional, Office for Student and School Supports

9. **1:37 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
   The proposed regulation makes conforming changes to the uniform grading scale responsive to dual credit courses and removes outdated references to the 2014-15 school year.
   - Andrew Snyder, Education Programs Professional, Office of Teaching and Learning

10. **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.

11. **ADJOURNMENT**

Joe Lombardo
Governor

Dr. Victor Wakefield
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 Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Tuesday, January 27, 2026,** 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:32 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388G.010-140 and 388G.XXX regarding the organization of large school districts.

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 leading up to and for the duration of the workshop.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388G.010-140 and 388G.XXX

The proposed regulation regarding the organization of large school districts is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Victor Wakefield, 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 is accurate.

Dr. Victor Wakefield
Superintendent of Public Instruction
Nevada Department of Education

R026-26

ADOPTED REGULATION OF THE NEVADA STATE

BOARD OF VETERINARY MEDICAL EXAMINERS

LCB File No. R026-26

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

AUTHORITY: §§ 1-5, 7-18, 20, 21 and 26-38, NRS 638.070; §§ 6 and 22-25, NRS 638.070 and 638.132; § 19, NRS 638.070, 638.122 and 638.124.

A REGULATION relating to veterinary medicine; defining certain terms relating to vaccinations and vaccines; providing for the registration of registered veterinary student externs; prescribing the rights and responsibilities of registered veterinary student externs; revising provisions relating to the storage and disposal of deceased animals; authorizing the use of certain drugs under certain circumstances; revising certain provisions relating to continuing education requirements for persons licensed or registered by the Nevada State Board of Veterinary Medical Examiners; revising certain duties of supervising veterinarians; revising provisions relating to fees and remittances paid to the Board; revising provisions relating to certain publications adopted by reference; revising provisions relating to medical records; revising provisions relating to certain prohibited acts; revising provisions relating to abandoned animals; revising certain requirements for licensure as a veterinary technician or registration as a veterinary graduate awaiting licensure; revising certain requirements for the operation of a veterinary facility; revising certain provisions relating to sedation and general anesthesia; revising provisions relating to veterinary dentistry; revising provisions relating to animal physical therapy and animal chiropractic; excluding opioids from the definition of a euthanasic agent; repealing provisions relating to certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations necessary to carry out the provisions of law relating to veterinary medicine, including regulations: (1) concerning the rights and responsibilities of veterinary interns and externs; and (2) pertaining to and limiting the activities of veterinary technicians. (NRS 638.070, 638.124) Existing regulations set forth certain tasks that a licensed veterinary technician may perform: (1) under the immediate supervision of a supervising veterinarian; (2) under the immediate or direct supervision of a supervising veterinarian; (3) under the immediate, direct or indirect supervision of a supervising veterinarian; or (4) outside of a veterinary facility under the

off-site supervision of a supervising veterinarian under certain other circumstances. (NAC 638.053)

Section 2 of this regulation defines the term "registered veterinary student extern." **Section 5** of this regulation establishes the requirements for a person to register with the Board as a registered veterinary student extern, including requirements that the person: (1) has completed at least 1,000 hours of work experience at one or more veterinary facilities; (2) is actively enrolled at an accredited school of veterinary medicine and has successfully completed at least one semester but is not a third-year or fourth-year student; and (3) has passed certain examinations. **Section 5** authorizes a registered veterinary student extern who is employed at a veterinary facility to perform certain tasks under the immediate or direct supervision of a supervising veterinarian at the veterinary facility that a veterinary technician is authorized under existing regulations to perform. **Sections 10 and 20** of this regulation extend the duties imposed on supervising veterinarians regarding the supervision of veterinary technicians, veterinary technicians in training and veterinary assistants to the supervision of registered veterinary student externs. **Sections 29 and 31** of this regulation make conforming changes to include registered veterinary student externs in existing regulations regarding certain tasks that veterinary technicians may perform relating to veterinary dentistry and animal physical therapy.

Existing regulations require a veterinary facility to maintain a safe and sanitary environment which includes methods for the disposal of deceased animals and a freezer to be used when an owner has not given permission for the disposal of a carcass. (NAC 638.0625) **Section 6** of this regulation additionally requires: (1) for certain deceased animals awaiting disposal, refrigerated or frozen storage which is sized in proportion to the type and number of animals that are regularly treated at the veterinary facility; and (2) if the identity of the owner of a deceased animal is known, a veterinary facility to provide notice in writing to the owner before disposing of the remains of a deceased animal which have not been claimed by the owner. **Section 24** of this regulation makes a conforming change to remove requirements which are duplicative of the requirements in **section 6**.

Existing state law and regulations generally require a veterinarian to ensure: (1) every prescription drug within the possession of a veterinary facility is safe and effective for use as indicated by the expiration date on the label; or (2) that the usefulness of a drug has not expired. (NRS 638.200, 639.282; NAC 638.0629) Under certain circumstances, existing federal law authorizes the United States Secretary of Health and Human Services to extend the expiration dates of and issue authorizations for the emergency use of certain drugs. (21 U.S.C. §§ 360bbb-3, 360bbb-3a) **Section 7** of this regulation authorizes a licensed veterinarian to make use of a drug after the expiration date which was listed by the manufacturer of the drug if: (1) the drug is listed on the United States Food and Drug Administration (FDA) list of current animal drug shortages; (2) the drug falls within a product expiration date extension issued by the Secretary; (3) the Secretary has authorized the emergency use of the drug; (4) the drug has been stored at all times in accordance with the instructions of the manufacturer; and (5) use of the drug is documented in the medical record.

Existing regulations require that fees and remittances to the Board be paid by money order, bank draft or check. (NAC 638.040) **Section 11** of this regulation instead requires that such fees and remittances to the Board: (1) in an amount less than $10,000 must be paid by debit

card, credit card or money order; and (2) in an amount of $10,000 or more must be paid by an electronic transfer of money, which is defined in existing law to mean any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an automated clearinghouse transaction, an electronic check transaction or a wire transfer. (NRS 353.1467)

Existing regulations provide that the Board will approve a course of continuing education that is provided or approved by certain organizations. (NAC 638.042) **Section 13** of this regulation revises the list of such organizations. For an academic course or program of instruction that is provided or approved by an institution of the Nevada System of Higher Education, certain accredited schools of veterinary medicine or certain approved programs for veterinary technicians, **section 8** of this regulation establishes: (1) the number of hours of continuing education a person may receive for each semester unit or quarter unit completed; and (2) additional requirements for proof of satisfactory completion of such a course.

Existing regulations reduce the hours of continuing education that a licensed veterinarian, veterinary technician, physical therapist who is registered to practice animal physical therapy or chiropractor who is registered to practice animal chiropractic is required to complete during a biennial period of licensing or registration if his or her license or certificate of registration was issued on or after October 1 of the immediately preceding even-numbered year. (NAC 638.041, 638.770, 638.820) For the purposes of eligibility for such a reduction, **sections 12, 32 and 35** of this regulation revise the date from October 1 to July 1 of the immediately preceding even-numbered year.

Existing regulations authorize the Board to audit veterinarians and veterinary technicians for compliance with the requirements for continuing education. If audited, the veterinarian or veterinary technician is required to submit proof of participation, during the 12 months immediately preceding the beginning of the new licensing year, of: (1) at least 20 hours of continuing education for a veterinarian; and (2) at least 10 hours of continuing education for a veterinary technician. (NAC 638.0425) **Section 14** of this regulation doubles: (1) the time period for which proof of participation must be submitted, from 12 months to 24 months immediately preceding the beginning of the new licensing year; and (2) the number of hours of continuing education which are required, in proportion to the increased time period.

Section 15 of this regulation updates the mailing address of the National Association of Veterinary Technicians in America for the purposes of requesting a copy of the "Veterinary Technician Code of Ethics."

Existing regulations provide certain requirements for the creation, maintenance and availability of veterinary medical records. (NAC 638.0475) **Section 16** of this regulation requires such records to be completed each time an animal receives veterinary services not later than 45 days after the animal receives the services. For medical records which are computer records that are accessed through a cloud service provider or the Internet, **section 16** requires access by the Board to be provided in a secure, time-limited and read-only format. **Section 16** also removes provisions relating to the physical ownership, release and return of a physical radiograph or other diagnostic image.

Section 16 removes the authorization in existing regulations for the President of the Board to appoint a master to supervise the records of a veterinarian who ceases his or her

practice without providing for the continuation of treatment of the animals under the veterinarian's care. Instead, **section 16** requires a licensed veterinarian to establish and maintain a written plan to ensure the continued accessibility and management of such medical records in the event of a cessation or interruption of the practice of the veterinarian. Upon the permanent closure of a veterinary facility, **section 16** requires the licensed veterinarian who is in charge of the veterinary facility to make reasonable efforts to: (1) provide notice of the closure and an explanation of how the medical records will be managed after the closure to any owner of an animal for which medical records were maintained at the veterinary facility, the Board and the public; and (2) allow reasonable and timely access to the medical records maintained at the facility by retaining the medical records or transferring such records to another veterinary facility or a secure storage area where a person is designated to manage such records.

Section 16 also revises certain information which is required to be included in the veterinary medical records, including certain information relating to vaccines, records of vaccinations and the treatment of herds of animals. **Sections 3, 4 and 16** of this regulation define the terms "vaccination," "vaccine" and "herd," respectively, for the purposes of **section 16** and existing regulations. **Section 9** of this regulation makes a conforming change to make the definitions set forth in **sections 2-4** applicable to existing regulations governing veterinary medicine.

Existing regulations define when an animal is deemed to be abandoned and: (1) during an emergency, authorize a veterinarian or veterinary facility to provide emergency care or humane euthanasia in accordance with the November 2003 revision of the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association; and (2) require a veterinarian or veterinary facility to notify the owner of an abandoned animal or the person who delivered the animal before disposing of an abandoned animal, if the identity of the person is known or may be determined by scanning a microchip. (NAC 638.051) **Section 18** of this regulation: (1) requires a veterinarian or veterinary facility which provides such emergency care or humane euthanasia to do so in accordance with currently accepted standards of care, rather than the November 2003 revision of the "Principles of Veterinary Medical Ethics"; and (2) prohibits a veterinarian or veterinary facility from disposing of an abandoned animal sooner than 5 days after the date on which the required notice was sent by the veterinarian or veterinary facility, rather than the date on which the animal was left with the veterinarian or veterinary facility.

Existing regulations require an applicant for a license to practice as a veterinary technician to submit proof that he or she has received a degree or completed a program from certain academic institutions. (NAC 638.0527) **Section 19** of this regulation removes from this list a degree that is received from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence, thus requiring an applicant for a license to practice as a veterinary technician to submit proof that he or she has: (1) received a degree as a veterinary technician from certain accredited colleges; (2) received a bachelor of science degree; or (3) completed an approved accelerated program for veterinary technicians.

Existing regulations: (1) set forth the requirements for a veterinary graduate awaiting licensure to register with the Board; and (2) authorize a registered veterinary graduate awaiting licensure to perform certain services regarding animals under the direct supervision of a

supervising veterinarian. (NAC 638.06027, 638.06028) **Section 21** of this regulation revises the requirements for a veterinary graduate awaiting licensure to register with the Board.

Existing regulations prohibit a person from operating a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for operation. Existing regulations also require the licensed veterinarian who is in charge of a veterinary facility to: (1) register with the Board; and (2) notify the Board in writing if the person registered with the Board as the veterinarian who is in charge of the facility resigns or otherwise leaves that position. (NAC 638.0603, 638.0606) If the veterinarian who is charge of the facility resigns or otherwise leaves that position, **section 23** of this regulation requires the owner of the veterinary facility, within 30 days after the date on which the veterinarian in charge resigns or leaves, to designate another veterinarian as the veterinarian who is in charge of the facility and notify the Board in writing. **Section 22** of this regulation prohibits a person from operating the veterinary facility for more than 30 days without designating a veterinarian and notifying the Board in accordance with **section 23**.

Existing regulations require a veterinary facility to maintain a library of current journals or textbooks which provides readily accessible reference materials. (NAC 638.063) **Section 25** of this regulation authorizes a veterinary facility to maintain such journals or textbooks and provide such reference materials in print or electronic form.

Section 26 of this regulation defines the term "sedation" for the purposes of the duty of a veterinarian to use appropriate methods of anesthesia, analgesia and sedation during each surgical procedure performed on an animal. **Section 27** of this regulation revises requirements related to intubating an animal when the swallowing reflex of the animal is impaired under general anesthesia.

Existing regulations require a veterinary facility which provides aseptic surgical services to reserve a room, separate and distinct from all other rooms, for aseptic surgical procedures. (NAC 638.715) **Section 28** of this regulation requires such a separate and distinct room to be enclosed by a door or similar partition.

Existing regulations: (1) generally require veterinary dentistry to be performed under general anesthesia; and (2) authorize, under certain circumstances, certain procedures for cleaning the teeth of an animal to be performed without placing the animal under general anesthesia. (NAC 638.730) **Section 29** removes that authorization, thus requiring those procedures to be performed under general anesthesia. **Section 29** also requires a licensed veterinarian to perform and document a comprehensive assessment of the oral health of an animal while performing, supervising the performance of or directing the performance of any dental treatment or dental procedure.

Existing regulations define the term "animal physical therapy" to mean the rehabilitation of injuries in a nonhuman animal through the use of certain specific techniques. (NAC 638.750) **Section 30** of this regulation removes from the definition the list of specific techniques and revises the definition to instead encompass techniques which are authorized pursuant to existing law and regulations governing physical therapy and, unless performed by a veterinarian, which are determined in consultation between the person performing the animal physical therapy and the supervising or referring veterinarian.

Existing regulations require a physical therapist who is registered to practice animal physical therapy or a chiropractor who is registered to practice animal chiropractic to transmit certain records and progress reports to the referring veterinarian within 48 hours after each visit with an animal. (NAC 638.780, 638.830) **Sections 33 and 36** of this regulation remove the 48-hour requirement and instead require such transmission within 5 business days after each visit with an animal. **Sections 31 and 34** of this regulation add requirements to pass an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine to the existing application requirements for: (1) a physical therapist who desires to secure a certificate of registration to practice animal physical therapy; and (2) a chiropractor who desires to secure a certificate of registration to practice animal chiropractic.

Section 37 of this regulation revises the definition of the term "euthanasic agent" to exclude prescription drugs that are opioids.

Existing regulations prohibit a veterinarian, veterinary technician or veterinary technician in training from performing certain acts that are fraudulent or deceptive or that constitute malpractice, negligence, incompetence or a departure from prevailing standards of care. (NAC 638.048; Section 3 of LCB File No. R082-22) **Section 38** of this regulation repeals the existing regulations setting forth those prohibited acts which are specific to veterinary technicians and veterinary technicians in training. **Section 17** of this regulation revises the existing regulations which are specific to veterinarians to incorporate those repealed regulations and instead make **section 17** applicable to any person who holds a license, certificate or registration issued by the Board.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. ***"Registered veterinary student extern" means a person who is registered as a registered veterinary student extern pursuant to section 5 of this regulation.***

Sec. 3. ***"Vaccination" means:***

1. The physical act of administering a vaccine; and

2. In compliance with the requirements of NAC 638.0475, documenting in a medical record information which relates to administering a vaccine.

Sec. 4. ***"Vaccine" means a suspension that is:***

1. Comprised of:

(a) Live microorganisms, which may be attenuated, or inactivated microorganisms, including bacteria or viruses;

(b) Fractions of an agent described in this subsection; or

(c) Genetic material of an agent described in this subsection;

2. Intended to induce immunity and prevent infectious diseases and the sequelae of infectious diseases; and

3. Approved by the United States Department of Agriculture.

Sec. 5. *1. Except as otherwise prohibited by law, a person may perform the tasks of a licensed veterinary technician which are described in subsection 2, 3 or 4 of NAC 638.053 under the immediate or direct supervision of a supervising veterinarian, as applicable, if he or she is registered with the Board pursuant to this section.*

2. To be registered as a registered veterinary student extern, a person must:

(a) Submit to the Board an application on a form prescribed by the Board;

(b) Be actively enrolled in a school of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association as a student who:

(1) Has successfully completed at least one semester; and

(2) Is not a third-year or fourth-year student;

(c) Be 18 years of age or older;

(d) Be of good moral character;

(e) Pass an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine; and

(f) Submit to the Board proof:

(1) That the person has completed at least 1,000 hours of work experience at one or more veterinary facilities; and

(2) Of employment and supervision by a licensed veterinarian at each veterinary facility where the person will be employed as a registered veterinary student extern.

3. After confirming that an applicant complies with all the requirements of subsection 2, the Executive Director of the Board shall, unless he or she has good cause to deny the registration, issue a letter of registration for a registered veterinary student extern to the veterinarian in charge of each facility where the registered veterinary student extern is employed or will be employed.

4. A registration pursuant to this section is valid for as long as the registered veterinary student extern is in compliance with the requirements of subsection 2.

Sec. 6. *1. A veterinary facility must maintain safe and sanitary methods for the storage and disposal of deceased animals. Such methods must include, without limitation:*

(a) A freezer to be used when an owner has not given permission for the disposal of a deceased animal; and

(b) Except as otherwise provided in this paragraph, for deceased animals awaiting disposal, refrigerated or frozen storage which is sized in proportion to the type and number of animals that are regularly treated at the veterinary facility. This paragraph does not apply to:

(1) Livestock;

(2) Animals that are raised for food or to produce animal products that are used for food; or

(3) Animals that are too large for conventional refrigerated or frozen storage.

2. If the identity of the owner of a deceased animal is known, before a veterinary facility may dispose of the remains of a deceased animal which have not been claimed by the owner, including, without limitation, cremated remains, the veterinary facility must provide notice to the owner in accordance with the provisions of subsection 3.

3. Before disposing of the remains of a deceased animal described in subsection 2, the veterinary facility must provide notice in writing to the owner at the last known address or contact information of the owner, which may include an electronic mail address. The notice must state that the veterinary facility will dispose of the remains of the deceased animal unless the owner claims the remains within 30 days after the date on which the notice was sent by the veterinary facility. If the owner does not claim the remains within 30 days after the date on which the notice was sent, the veterinary facility may dispose of the remains.

Sec. 7. *1. A licensed veterinarian may make use of a drug after the expiration date which was listed by the manufacturer of the drug if:*

(a) The drug is listed on the United States Food and Drug Administration list of current animal drug shortages;

(b) The drug falls within a product expiration date extension issued by the United States Secretary of Health and Human Services in accordance with the provisions of section 564A of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3a;

(c) The United States Secretary of Health and Human Services has authorized the emergency use of the drug in accordance with the provisions of section 564 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3;

(d) The drug has been stored at all times in accordance with the instructions of the manufacturer of the drug; and

(e) Use of the drug is documented in the medical record required pursuant to NAC 638.0475.

2. Any drug described in subsection 1 that is kept in a veterinary facility must be separated from other drugs in the facility and stored in a separate and distinct area of the facility that is labeled for that purpose.

Sec. 8. ***For the purposes of a course of continuing education which is approved in accordance with subsection 9, 10 or 11 of NAC 638.042:***

1. A person who wishes to claim an academic course or program of instruction for continuing education credit must submit proof satisfactory to the Board that the person earned a grade in the course which represents at least 1.7 grade points on a 4.0 grading scale, a C- or an equivalent grade as determined by the Board.

2. Each semester unit successfully completed equals 15 hours of continuing education.

3. Each quarter unit successfully completed equals 10 hours of continuing education.

Sec. 9. NAC 638.001 is hereby amended to read as follows:

638.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 638.005 to 638.0185, inclusive, ***and sections 2, 3 and 4 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 10. NAC 638.016 is hereby amended to read as follows:

638.016 "Supervising veterinarian" means a veterinarian licensed to practice in this State who employs, supervises, or employs and supervises a veterinary extern, a veterinary graduate

awaiting licensure, a licensed veterinary technician, a veterinary technician in training ***, a registered veterinary student extern*** or a veterinary assistant.

Sec. 11. NAC 638.040 is hereby amended to read as follows:

638.040 1. All communications, payments or documents must be addressed to the Board and shall be deemed to be filed on the date of the postmark on the envelope in which it was mailed, in accordance with NRS 238.100.

2. ~~[Fees]~~ ***Except as otherwise provided in subsection 3, fees*** and remittances to the Board:

(a) Must be paid by ***debit card, credit card or*** money order ~~[, bank draft or check]~~ payable to the Board of Examiners in Veterinary Medicine; and

(b) May not be paid in currency, coin or postage stamps.

3. Fees and remittances to the Board in an amount of $10,000 or more must be paid by an electronic transfer of money. As used in this subsection, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 12. NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his or her license to practice veterinary medicine or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105, a licensee must complete:

(a) Except as otherwise provided in paragraph (b), at least 40 hours of continuing education approved by the Board, not more than 20 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

(b) If his or her license was issued on or after ~~[October]~~ ***July*** 1 of the immediately preceding even-numbered year, at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 12-month period immediately preceding the beginning of the new period of licensing.

2. As a prerequisite for each renewal of his or her license to practice as a veterinary technician, a licensed veterinary technician must complete:

(a) Except as otherwise provided in paragraph (b), at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

(b) If his or her license was issued on or after ~~[October]~~ ***July*** 1 of the immediately preceding even-numbered year, at least 10 hours of continuing education approved by the Board, not more than 5 hours of which may be completed in distance learning or correspondence courses, during the 12-month period immediately preceding the beginning of the new period of licensing.

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 13. NAC 638.042 is hereby amended to read as follows:

638.042 A course of continuing education shall be deemed to be approved by the Board if the course is provided or approved by:

1. The American Veterinary Medical Association;

2. A specialty group of the American Veterinary Medical Association;

3. The Western Veterinary Conference, the Wild West Veterinary Conference or any other regional veterinary conference;

4. The State Department of Agriculture;

5. The United States Department of Agriculture;

6. The American Animal Hospital Association;

7. The American Association of Veterinary State ~~[Boards;]~~ ***Boards' Registry of Approved Continuing Education program;***

8. The Nevada Veterinary Medical Association;

9. An institution of the Nevada System of Higher Education;

10. A school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association;

11. A program for veterinary technicians that is approved by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association;

12. A board that licenses veterinarians or veterinary technicians in another state; or

13. An association or organization consisting of veterinarians or veterinary technicians that is organized on a statewide basis in another state or on a regional basis.

Sec. 14. NAC 638.0425 is hereby amended to read as follows:

638.0425 1. The Board may perform random audits of licensees to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a licensee, the Board will notify the licensee, in writing, of its decision to conduct an audit.

3. If audited by the Board:

(a) A licensed veterinarian or a person who is licensed by the Board as a diplomate pursuant to NRS 638.105 shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~[20]~~ ***40*** hours of continuing education during the ~~[12]~~ ***24*** months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

(b) A veterinary technician shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~[10]~~ ***20*** hours of continuing education during the ~~[12]~~ ***24*** months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

4. Each copy of the documentation submitted to the Board pursuant to subsection 3 must include:

(a) The name and license number of the licensee;

(b) The number of hours of continuing education that were awarded to the licensee;

(c) A description of the continuing education that was received by the licensee; and

(d) The ***method of delivery of the course and the*** date on which and place where the course or the meeting, as applicable, was conducted.

Sec. 15. NAC 638.0465 is hereby amended to read as follows:

638.0465 1. The Board adopts by reference the "Veterinary Technician Code of Ethics" of the National Association of Veterinary Technicians in America as a standard for professional conduct for veterinary technicians. A violation of the provisions of the "Veterinary Technician Code of Ethics" constitutes cause for disciplinary action.

2. The "Veterinary Technician Code of Ethics" of the National Association of Veterinary Technicians in America is available, free of charge:

(a) By mail from the National Association of Veterinary Technicians in America, ~~[P.O. Box 1227, Albert Lea, Minnesota 56007;]~~ ***3040 U.S. Highway 22 W, Suite 135, Branchburg, New Jersey, 08876;*** or

(b) On the Internet at **http://www.navta.net**.

Sec. 16. NAC 638.0475 is hereby amended to read as follows:

638.0475 1. Each licensed veterinarian shall maintain in this State for at least 4 years a separate medical record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from the licensed veterinarian or under his or her supervision. The records must be ***completed each time an animal receives veterinary services not later than 45 days after the animal receives the services. The records must be made*** available for inspection by the Board or its representative or the owner of the animal during normal business hours**.** ~~[at least 5 business days each week.]~~ Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to the Board or its representative or the owner of the animal receiving veterinary services not later than 5 business days after receiving a request from the Board or its representative or the owner of the animal. The licensed veterinarian is not required to provide a copy of any radiographs or other diagnostic images in the medical record to the owner of the animal receiving veterinary services.

2. Except as otherwise provided in subsection ~~[10,]~~ ***8,*** the medical record must contain the following information, in legible form:

(a) The name, address and telephone number of the animal's owner ~~[;]~~ ***and any authorized agents of the owner;***

(b) The name or identifying number, or both, of the animal ~~[;]~~ ***or herd, as applicable;***

(c) The age, sex, weight and breed of the animal;

(d) The dates of care, custody or treatment of the animal ~~[;]~~ ***or herd, as applicable;***

(e) Documentation of the informed consent of the client for medical treatment of the animal ~~[;]~~ ***or herd, as applicable, including, without limitation, documentation of any treatment or other recommendation which is declined by the client;***

(f) A short history of the animal's condition as it pertains to the animal's medical status;

(g) The results of and notations from an examination of the animal, including, without limitation, the temperature, pulse and respiration rate of the animal and laboratory data pertaining to the animal;

(h) The diagnosis or condition at the beginning of custody of the animal, ~~[including, without limitation, results of tests;]~~ ***the dates and times of care or treatment provided to the animal and, if the animal is admitted to a veterinary facility, the progress of the animal at least every 24 hours;***

(i) The ~~[immunization]~~ record ***of vaccination*** of the animal ~~[;]~~ ***, including, without limitation:***

(1) The name of the vaccine, the date of administration and the name of the person who administered the vaccine; and

(2) If the vaccine is for zoonotic disease, in addition to the information required by subparagraph (1), the lot number, volume of vaccine, manufacturer and expiration date of the vaccine;

(j) All clinical information pertaining to the animal, including, without limitation ~~[, sufficient]~~ ***:***

(1) Sufficient information to justify the diagnosis or determination of the medical status of the animal and to warrant any treatment recommended for or administered to the animal;

(2) Information or images which are obtained by instrumentation;

(3) Laboratory testing;

(4) Diagnostic imaging; and

(5) Necropsy;

(k) The notes taken during surgery, including, without limitation:

(1) ~~[The name and quantity of any drug administered for anesthesia and preanesthesia;~~

~~(2) The]~~ ***A description of the*** procedure performed ~~[;]~~ ***, including, without limitation, any complications and interventions;***

~~[(3)]~~ ***(2)*** The times at which the surgery begins and ends; ***and***

~~[(4)]~~ ***(3)*** If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal;

(II) The vital signs of the animal recorded at least every 5 minutes during the surgery, including, without limitation, the ~~[pulse,]~~ heart rate and respiration of the animal; and

(III) If any of the information required pursuant to this subparagraph is generated by an automated device, an indication that the information generated by the automated device was regularly reviewed and analyzed by a veterinarian, veterinary technician or veterinary assistant during the surgery;

(l) Any medication and treatment administered, including, without limitation, the amount ***,*** ~~[and]~~ frequency ~~[,]~~ ***, concentration, volume and rate, as appropriate, for the medication or treatment which is administered;***

(m) The progress and disposition of the case;

(n) The name of each person ~~[who is not an employee of the veterinarian]~~ who provided professional advice or performed treatments, examinations or other services pertaining to the animal;

(o) The signature, initials or other identifying mark of the person who made the entry in the medical record;

(p) Any radiographs ***.*** ~~[other than intraoral dental radiographs.]~~ Each radiograph other than an intraoral dental radiograph must be labeled on the image as follows:

(1) The name of the veterinarian or facility that took the radiograph;

(2) The name or identifying number, or both, of the animal;

(3) The name of the animal's owner;

(4) The date on which the radiograph was taken; and

(5) The anatomical orientation depicted by the radiograph; and

(q) Any ~~[intraoral dental radiographs or]~~ other diagnostic images. ~~[For each intraoral dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph (p) with regard to the intraoral dental radiograph or other diagnostic image. That information may be included:~~

~~(1) In a hard copy of the medical record if the medical record is maintained as a written record; or~~

~~(2) In the computer file which contains the intraoral dental radiograph or other diagnostic image if the medical record is maintained as a computer record.]~~

3. The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and chapter 638 of NRS.

4. ~~[Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the animal. A radiograph or other diagnostic image must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to which it pertains. The radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.~~

~~5.]~~ The medical records required by this section must be written records or computer records. If the medical records are computer records:

(a) The security of the computer must be maintained.

(b) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently.

(c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.

(d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.

(e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

(f) The computer records, including, without limitation, any such records which are accessed through a cloud service provider or the Internet, must be made available to the Board upon request in accordance with the provisions of subsection 1. For any such computer records which are accessed through a cloud service provider or the Internet pursuant to this paragraph, access must be provided in a secure, time-limited and read-only format.

~~[6.]~~ ***5.*** If a medical record is a written record, information contained in the medical record must not be removed, erased, redacted or otherwise made unreadable. Any addition, supplementation or other alteration to a written record must include, without limitation, the date on which the addition, supplementation or other alteration was made and the signature, initials or other identifying mark of the person who made the addition, supplementation or other alteration to the written record.

~~[7.]~~ ***6.*** Except as otherwise provided in subsection ~~[10]~~ ***8*** and in addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any

controlled substances or prescription drugs are administered to the animal, the medical record required by this section must include the same information that a veterinary facility which:

(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and

(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.

~~[8.]~~ ***7.*** In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

~~[9. If a veterinarian ceases his or her practice without providing for the continuation of treatment of the animals under the veterinarian's care, the President of the Board may appoint a master to supervise his or her records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his or her care.~~

~~10.]~~ ***8.*** If, during an emergency, a veterinary facility requests the medical record of an animal from another veterinary facility, the veterinary facility that is in possession of the medical record must provide the medical record to the other veterinary facility as soon as practicable. Such a medical record:

(a) Does not need to comply with the requirements of subsections 2 and ~~[7,]~~ ***6,*** as applicable; and

(b) May be sent to the veterinary facility requesting the medical record in the current state of completion that the medical record is at the time of the request.

9. A licensed veterinarian responsible for maintaining medical records pursuant to this section shall establish and maintain a written plan to ensure the continued accessibility and management of such medical records in the event of a cessation or interruption of the practice of the veterinarian.

10. Upon the permanent closure of a veterinary facility where medical records are maintained pursuant to this section, the licensed veterinarian who is in charge of the veterinary facility shall make reasonable efforts to:

(a) Provide notice of the closure to:

(1) The owner of an animal for which medical records were maintained at the veterinary facility or an authorized agent of such an owner that includes, without limitation, instructions for the owner or authorized agent to obtain the medical records of such animal;

(2) The Board that includes, without limitation, an explanation of how the medical records maintained at the veterinary facility will be managed after the closure of the facility pursuant to paragraph (b); and

(3) The public by publishing a notice in print or electronic media that includes, without limitation, an explanation of how the owner of an animal for which medical records were maintained at the veterinary facility or the authorized agent of such an owner may access such records after the closure of the facility; and

(b) Allow reasonable and timely access to the medical records maintained at the veterinary facility by:

(1) Retaining all medical records of each animal receiving veterinary services for at least 4 years after the date of the last visit of each animal, including, without limitation, animals which are deceased; or

(2) Transferring all medical records to:

(I) Another veterinary facility that agrees to manage the medical records in accordance with subparagraph (1) and provide such reasonable and timely access to the records; or

(II) A secure storage area where a person is designated to manage the medical records in accordance with subparagraph (1) and provide such reasonable and timely access to the records.

11. The medical record of an animal is confidential and may not be released except:

(a) As otherwise provided in subsections 1 and ~~[10;]~~ ***8;***

(b) In response to a court order; or

(c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

12. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians ~~[,]~~ ***in order to facilitate treatment or for legitimate veterinary medical purposes,*** law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

13. As used in this section ~~[, "other]~~ ***:***

(a) "Herd" means a group of animals of the same or an epidemiologically linked species which are maintained on the same premises or under common ownership or supervision and

are managed as a single epidemiological unit, including, without limitation, by common housing, feeding, movement or management practices.

(b) "Other diagnostic image":

~~[(a)]~~ ***(1)*** Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

~~[(b)]~~ ***(2)*** Does not include a radiograph.

Sec. 17. NAC 638.048 is hereby amended to read as follows:

638.048 ~~[A veterinarian]~~ ***Any person who holds a license, certificate or registration issued pursuant to this chapter or chapter 638 of NRS*** shall not:

1. Falsify records of health care;

2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the ~~[veterinarian]~~ ***person*** which were in fact not performed by him or her;

3. Write a prescription for a controlled substance in such an excessive amount as to constitute a departure from prevailing standards of acceptable veterinary medical practice;

4. Consistently use veterinary medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable veterinary medical practice;

5. Render professional services to an animal while the ~~[veterinarian]~~ ***person*** is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

6. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

7. Operate a veterinary facility ***or perform or fail to perform any service*** in a manner that violates a provision of chapter 574 of NRS; ~~[or]~~

8. ***Perform services which are not authorized by this chapter or chapter 638 of NRS or that exceed the training or competence of the person;***

9. Prescribe, dispense, deliver or order another person to deliver any prescription drug, including, without limitation, any controlled substance in schedules I to V, inclusive, as described in chapter 453 of NRS, and any dangerous drug, referred to in NRS 454.181 to 454.371, inclusive, unless the ***person is a*** veterinarian ***and*** first:

(a) Establishes a veterinarian-client-patient relationship; and

(b) Makes a medical determination that the prescription drug is therapeutically indicated for the health and well-being of the animal;

~~[9.]~~ ***10.*** Intentionally or knowingly make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; ~~[or~~

~~10.]~~ ***11.*** Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action ~~[.]~~ ***;***

12. Intentionally or knowingly make a false or misleading statement to a member of the public with the intent to defraud or deceive; or

13. Intentionally or knowingly withhold medical records from a person who is entitled to access such records, including, without limitation, withholding such records for financial compensation.

Sec. 18. NAC 638.051 is hereby amended to read as follows:

638.051 1. An animal in the possession of a veterinarian or veterinary facility shall be deemed abandoned if:

(a) The animal is left with the veterinarian or veterinary facility by a person whose identity is unknown or who cannot be reasonably contacted;

(b) The animal is left with the veterinarian or veterinary facility by the owner or person delivering the animal, the veterinarian or veterinary facility has provided the notice required pursuant to subsection 3 and the owner or person has not:

(1) Paid for the services provided by the veterinarian or veterinary facility; or

(2) Claimed the animal; or

(c) The owner or person delivering the animal relinquishes ownership of the animal in writing to the veterinarian or veterinary facility.

2. Unless otherwise provided in a contract between a veterinarian or veterinary facility and the owner of an animal or the person delivering the animal, the veterinarian or veterinary facility may:

(a) Treat or decline to treat the animal in the manner the veterinarian or veterinary facility determines appropriate;

(b) Dispose of an abandoned animal if the animal is not claimed within the period set forth in the notice, if required, pursuant to subsection 3; or

(c) During an emergency, provide emergency care or humane euthanasia to relieve the suffering of the animal in the manner the veterinarian determines appropriate in accordance with ~~[the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association as adopted by reference in NAC 638.046.]~~ ***currently accepted standards of care.***

3. Except as otherwise provided in this subsection, before a veterinarian or veterinary facility may dispose of an abandoned animal, the veterinarian or veterinary facility:

(a) If the identity of the owner of the animal or the person who delivered the animal is known or may be determined by scanning a microchip, must notify the owner of the animal or the person who delivered the animal by telephone, electronic mail, text message or regular mail to the last known contact information or address of the owner of the animal or the person who delivered the animal. The notice must state that the veterinarian or veterinary facility will dispose of the animal if it is not claimed by the date specified in the notice, which must not be sooner than 5 days after the ~~[animal was left with the]~~ ***date on which the notice was sent by the*** veterinarian or veterinary facility.

(b) If the owner of the animal or person who delivered the animal cannot be identified or if ownership of the animal was relinquished pursuant to paragraph (c) of subsection 1, may dispose of the animal pursuant to subsection 4.

4. The veterinarian or veterinary facility shall dispose of the animal in a humane manner, which may include, without limitation, euthanasia, adoption, fostering or sending the animal to an animal rescue organization.

5. For each animal disposed of pursuant to subsection 4, the veterinarian or veterinary facility shall maintain a separate record in accordance with the requirements of NRS 638.0475 that contains:

(a) A physical description of the animal, which may include, without limitation, a photograph;

(b) The date the animal was delivered to the veterinarian or at the veterinary facility;

(c) A description of the attempts made by the veterinarian or veterinary facility to contact the owner, if applicable;

(d) A list of any treatments or care provided by the veterinarian or veterinary facility; and

(e) A description of the disposition of the animal and the date of the disposition.

6. As used in this section, "claimed" means to remove the animal from the custody of the veterinarian.

Sec. 19. NAC 638.0527 is hereby amended to read as follows:

638.0527 1. In addition to the requirements of NRS 638.122, an applicant for a license to practice as a veterinary technician must submit to the Executive Director of the Board proof that he or she has passed:

(a) The Veterinary Technician National Examination; or

(b) Any other examination approved for this purpose by the Board pursuant to NRS 638.123.

2. In addition to the requirements of subsection 1, an applicant for a license to practice as a veterinary technician must submit to the Board satisfactory proof that the applicant has:

(a) Received a degree as a veterinary technician from a college accredited by the American Veterinary Medical Association or the appropriate state agency in the state where the college is located;

(b) Received a bachelor of science degree; ***or***

(c) ~~[Received a degree from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence administered by the American Association of Veterinary State Boards; or~~

~~(d)]~~ Completed an accelerated program for veterinary technicians approved by the Board.

3. Each applicant who received:

(a) A bachelor of science degree pursuant to paragraph (b) of subsection 2 or completed an accelerated program as described in paragraph ~~[(d)]~~ ***(c)*** of subsection 2 must submit, on a form provided by the Board, proof of completion of at least 4,000 hours of supervised clinical experience in a veterinary facility located in the United States that is verified by one or more actively practicing veterinarians who supervised the applicant. Not less than 2,001 hours of that supervised clinical experience must have been earned within the 5 years immediately preceding the date on which the applicant submitted his or her application.

(b) A bachelor of science degree pursuant to paragraph (b) of subsection 2 must satisfy the requirements of section 1 of LCB File No. R083-22.

4. Each application for a license to practice as a veterinary technician must include:

(a) One letter of recommendation from a person associated with the practice of veterinary medicine; and

(b) A letter of good standing from the licensing agency of each state in which the applicant is licensed or has been licensed, if any. Each such letter must, if applicable, include detailed information concerning any disciplinary action which has been taken against the applicant or which is pending in that state.

Sec. 20. NAC 638.057 is hereby amended to read as follows:

638.057 1. A supervising veterinarian:

(a) Is responsible for determining the competency of the licensed veterinary technician, veterinary technician in training ***, registered veterinary student extern*** or veterinary assistant under his or her supervision to perform delegated tasks of animal health care.

(b) Shall ensure that the licensed veterinary technician, veterinary technician in training ***, registered veterinary student extern*** or veterinary assistant performs the tasks of animal health care delegated to the licensed veterinary technician, veterinary technician in training ***, registered veterinary student extern*** or veterinary assistant in a manner which is consistent with good veterinary medical practice.

(c) Shall make all decisions relating to the diagnosis, treatment, management and future disposition of an animal.

(d) Shall examine an animal before delegating any tasks to the licensed veterinary technician, veterinary technician in training ***, registered veterinary student extern*** or veterinary assistant. The examination must be conducted at such time as good veterinary medical practice requires, consistent with the particular task of animal health care which is delegated.

(e) Is responsible for ensuring that:

(1) Unlicensed personnel do not perform duties that are specific to licensed veterinary technicians or licensed veterinarians;

(2) A person does not perform tasks as a veterinary technician in training unless the person is registered pursuant to NAC 638.0525; ~~[and]~~

(3) ***A person does not perform tasks as a registered veterinary student extern unless the person is registered pursuant to section 5 of this regulation; and***

(4) A person does not perform tasks as a veterinary assistant except as provided in NAC 638.0602 and 638.06025.

2. A supervising veterinarian who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 21. NAC 638.06027 is hereby amended to read as follows:

638.06027 1. A veterinary graduate awaiting licensure must be registered with the Board as evidenced by a certificate of registration issued by the Board.

2. To register as a veterinary graduate awaiting licensure, the applicant must submit to the Board:

(a) An application for registration as a veterinary graduate awaiting licensure that includes, without limitation, a list of the veterinary facilities in this State where he or she will perform services;

(b) An application for a license to practice veterinary medicine pursuant to NRS 638.100 and the information required pursuant to NRS 638.103; ~~[and]~~

(c) Proof satisfactory to the Board that the applicant:

(1) Has graduated from a school of veterinary medicine and is scheduled to take, or has taken but not yet received a score for, the North American Veterinary Licensing Examination administered by the International Council for Veterinary Assessment;

(2) Has graduated from a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association and who is presently completing a postgraduate, evaluated clinical year at a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; or

(3) Is scheduled to take, or has taken but not yet received a score for, the clinical proficiency examination administered by the American Veterinary Medical Association for the purpose of acquiring an educational certificate issued by the Educational Commission for

Foreign Veterinary Graduates of the American Veterinary Medical Association or its successor organization as described in paragraph (b) of subsection 2 of NRS 638.100 ~~[.]~~ ***; and***

(d) Proof that the applicant has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

3. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ ***4,*** a certificate of registration issued to a veterinary graduate awaiting licensure is valid ~~[for 1 year]~~ ***until the earlier of:***

(a) Two years after the date of issuance ~~[and may not be renewed. The]~~ ***;***

(b) Thirty days after the date on which the Board receives proof satisfactory to the Board that the veterinary graduate awaiting licensure has passed an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable; or

(c) The date on which the Board issues a license to practice veterinary medicine to the veterinary graduate awaiting licensure.

4. If the veterinary graduate awaiting licensure is eligible to take an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable, the Board may extend the registration of a veterinary graduate awaiting licensure upon written request and a showing of good cause. Any request to extend the registration of a veterinary graduate awaiting licensure must be received by the Board ***not less than 30 days*** before the certificate of registration expires. ***An extension of the registration of a veterinary graduate awaiting licensure pursuant to this subsection is valid until the earlier of:***

(a) Two years after the date of issuance;

(b) Thirty days after the date on which the Board receives proof satisfactory to the Board that the veterinary graduate awaiting licensure has passed an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable; or

(c) The date on which the Board issues a license to practice veterinary medicine to the veterinary graduate awaiting licensure.

5. If a veterinary graduate awaiting licensure receives a score other than a passing score on an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, he or she must, not later than 12 months after the date of issuance of his or her certificate of registration or extension of registration, as applicable, submit to the Board proof that he or she has registered for and is scheduled to take the examination again.

Sec. 22. NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility ~~[unless]~~ ***:***

(a) Unless the facility is registered with the Board and the Board has issued a permit for its operation ~~[.]~~ ***; or***

(b) If the person in charge of the veterinary facility resigns or otherwise leaves such position, for a period of more than 30 days without designating another person as the person in charge of the veterinary facility and notifying the Board in accordance with the requirements of NAC 638.0606.

2. The person in charge of a veterinary facility must be a licensed veterinarian who practices veterinary medicine in this State.

3. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board an application for registration in the form provided by the Board.

4. Upon receipt of a completed application for registration and the applicable fee required pursuant to NAC 638.035, the Board will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

5. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

6. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least 30 days before the date on which the change in ownership is to become effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

Sec. 23. NAC 638.0606 is hereby amended to read as follows:

638.0606 ***1.*** The veterinarian who is in charge of a facility shall notify the Board in writing if the person registered with the Board as the veterinarian who is in charge of the facility resigns or otherwise leaves that position. The written notice must be submitted to the Board not more than 20 days after any such change is made.

2. Not more than 30 days after the date on which the veterinarian who is in charge of the facility resigns or otherwise leaves that position as described in subsection 1, the owner of the veterinary facility shall:

(a) In compliance with the requirements of NAC 638.0603, designate another veterinarian as the veterinarian who is in charge of the facility; and

(b) Notify the Board in writing of the designation made pursuant to paragraph (a).

Sec. 24. NAC 638.0625 is hereby amended to read as follows:

638.0625 1. A safe and sanitary environment must be maintained in each veterinary facility which:

(a) Protects the health of the animals and minimizes the possibility of the transmission of infection;

(b) Includes the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis, treatment or surgery;

(c) Meets the requirements of local and state fire prevention codes;

(d) Ensures the maintenance of a proper temperature and ventilation of the veterinary facility for the comfort of all animals; ***and***

(e) Includes ***safe and*** sanitary methods for the ***storage and*** disposal of deceased animals ~~[~~;~~]~~ ~~and~~

~~(f) Includes a freezer to be used when an owner has not given permission for~~] ***in accordance with*** the ~~[disposal]~~ ***requirements*** of ~~[a carcass.]~~ ***section 6 of this regulation.***

2. The veterinary facility must have the capacity to perform an adequate diagnostic radiological series, in the veterinary facility or through another commercial facility. Radiological

procedures must be in accordance with standards for the protection of the public health. Laboratories and prescription drugs must be available in the veterinary facility or through another commercial facility.

Sec. 25. NAC 638.063 is hereby amended to read as follows:

638.063 1. A veterinary facility must maintain the following equipment at all times:

(a) Surgical packs including drapes, sponges and proper instrumentation.

(b) Anesthetic equipment in accordance with the level of surgery performed.

(c) Oxygen.

(d) A library of current journals or textbooks ***in print or electronic form,*** which provides readily accessible reference materials ~~[.]~~ ***in print or electronic form.***

2. All appropriate equipment must be sterilized, and surgical packs must be properly prepared for sterilization by heat or gas which is sufficient to kill bacterial spores for each sterile surgical procedure. Separate sterile surgical packs which are dated and have proof of internal and external sterilization must be used for each sterile procedure.

Sec. 26. NAC 638.700 is hereby amended to read as follows:

638.700 ***1.*** A veterinarian shall use appropriate methods of anesthesia, analgesia and sedation during each surgical procedure performed on an animal to:

~~[1.]~~ ***(a)*** Minimize pain and distress in the animal; and

~~[2.]~~ ***(b)*** Prevent injury to the animal.

2. As used in this section, "sedation" means a controlled state of depressed consciousness caused by a drug or combination of drugs during which:

(a) The animal maintains expected neurological responses;

(b) Protective airway reflexes of the animal remain intact, including, without limitation, the swallowing and the gag reflexes; and

(c) Spontaneous ventilation of the animal is adequate and no interventions are required to maintain an airway.

Sec. 27. NAC 638.710 is hereby amended to read as follows:

638.710 A veterinarian shall comply with the following requirements when putting an animal under general anesthesia:

1. Except as otherwise provided in this subsection, the animal must be given a physical examination not more than 12 hours before the anesthetic is administered. If the veterinarian determines that the animal is fractious, the veterinarian may conduct the physical examination of the animal after the anesthetic is administered. The physical examination required pursuant to this subsection must include, without limitation, an examination and written notation of:

(a) The temperature;

(b) The pulse rate;

(c) The respiration;

(d) The color of the mucous membrane; and

(e) The thoracic auscultation,

➥ of the animal.

2. The animal must be under continuous observation while it is under general anesthesia until the swallowing reflex of the animal has returned.

3. The animal must not be released until it has been examined by a veterinarian and it is ambulating. This subsection must not be construed to prohibit the direct transfer of an animal under general anesthesia to an appropriate facility for observation.

4. The following equipment must be available in the veterinary facility and must be in working order at all times:

(a) An anesthetic machine with breathing bags appropriate to the size of the animal under general anesthesia;

(b) An assortment of cuffed endotracheal tubes; and

(c) An oxygen delivery system.

5. ~~[If]~~ ***Unless*** it is ~~[appropriate for]~~ ***prohibited based on*** the species of animal **,** when the swallowing reflex is impaired ~~[,]~~ the animal must be intubated and administered an appropriate concentration of oxygen.

6. A method of monitoring respiration must be used, which may include, without limitation:

(a) Observing the chest movements of the animal;

(b) Watching the rebreathing bag; or

(c) Using a respirometer.

7. A method of monitoring cardiac activity must be used, which may include, without limitation, the use of:

(a) A stethoscope; or

(b) An electrocardiographic monitor.

8. Adequate surgical support, including, without limitation, an intravenous catheter, fluids and monitoring, as indicated by the status of the animal and the standard of care required of a licensed veterinarian under the circumstances, must be available.

9. A written history must be maintained by the veterinarian for each animal put under general anesthesia, which must include, without limitation:

(a) The name or identification number of the animal.

(b) The medical history of the animal that is relevant to the administration of general anesthesia, which must include, without limitation, a description of any preexisting medical conditions and tests performed on the animal before surgery.

(c) A description of the general anesthesia used at the time of surgery.

(d) The method of monitoring that was used to comply with subsections 6 and 7.

Sec. 28. NAC 638.715 is hereby amended to read as follows:

638.715 1. A veterinary facility which provides aseptic surgical services must reserve a room ~~[~~, separate and distinct from all other rooms,~~]~~ for aseptic surgical procedures ~~[~~.~~]~~ ***that is separate and distinct from all other rooms and enclosed by a door or similar partition.***

2. When performing aseptic surgery:

(a) Each member of a surgical team shall wear the appropriate sanitary cap and sanitary mask;

(b) Any instrument used to perform aseptic surgery must be sterilized; and

(c) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear a sterilized surgical gown and sterilized gloves.

3. As used in this section, "aseptic surgery" means surgery performed under sterilized conditions to prevent the introduction of infectious microorganisms.

Sec. 29. NAC 638.730 is hereby amended to read as follows:

638.730 1. Except as otherwise provided in NAC 638.0525, 638.053 ***,*** ~~[or]~~ 638.742 ~~[,]~~ ***or section 5 of this regulation,*** veterinary dentistry may only be performed by a licensed veterinarian. ***While performing, supervising the performance of or directing the performance of any dental treatment or dental procedure, a licensed veterinarian must perform and document a comprehensive assessment of the oral health of the animal that includes, without limitation, a complete examination of the oral cavity, teeth and supporting structures thereof. The licensed veterinarian is responsible for diagnosing any dental disease and determining the need for and extent of treatment.***

2. ~~[Except as otherwise provided in subsection 3, veterinary]~~ ***Veterinary*** dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.

3. ~~[A cleaning of the supragingival portion of the teeth of an animal, including, without limitation, scaling the teeth with dental tools or ultrasound, may be performed without placing the animal under general anesthesia if:~~

~~(a) The procedure is performed at a veterinary facility;~~

~~(b) A licensed veterinarian at the veterinary facility has conducted a full oral examination within the 6 months immediately preceding the supragingival cleaning;~~

~~(c) The licensed veterinarian has determined that the animal is a suitable candidate for the procedure and that the procedure is being performed on an elective basis sought by the client;~~

~~(d) The client has signed a written form acknowledging that the client:~~

~~(1) Understands the difference between a supragingival cleaning and a full dental examination with prophylaxis; and~~

~~(2) Knowingly consents to the supragingival cleaning procedure; and~~

~~(e) The procedure is terminated if:~~

~~(1) The animal becomes resistant or fractious during the cleaning procedure and continuation of the cleaning procedure would potentially harm or cause suffering to the animal; or~~

~~(2) The cleaning procedure or examination of the oral cavity of the animal reveals signs of advanced dental disease, including, without limitation, tooth mobility, advanced gingivitis, abnormal bleeding, stomatitis, advanced gingival recession, furcation exposures, excessive gingival hyperplasia, abnormal probing depths, visual or tactile detection of tooth resorption, tooth fractures, abnormal growths, abscesses, pyorrhea, pulpitis, discoloration or other abnormal findings.~~

~~.~~] If a veterinary technician ***,*** ~~[or]~~ veterinary technician in training ~~[terminates a cleaning procedure pursuant to paragraph (e),]~~ ***or registered veterinary student extern observes any abnormal findings during a dental treatment or dental procedure on an animal,*** he or she must notify the ~~[attending]~~ ***supervising*** veterinarian ***.*** ~~[of the cause for the termination of the procedure so that the veterinarian can appropriately address the needs of the animal.]~~

4. Except as otherwise provided in this subsection, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology. In an emergency, a licensed

veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal in a veterinary facility that does not have the capacity to perform intraoral radiology if the licensed veterinarian determines, based on his or her professional judgment and the species of the animal, that the radiology which the veterinary facility has the capacity to perform is adequate for the particular procedure.

5. Nothing in this section shall be construed to prohibit a person from:

(a) Using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth; or

(b) Practicing as an equine dental provider in accordance with NAC 638.735 to 638.748, inclusive.

6. As used in this section, "veterinary dentistry" means:

(a) The application or use of any instrument or device to any portion of an animal's tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal's tooth, gums or related tissue; and

(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal's tooth.

Sec. 30. NAC 638.750 is hereby amended to read as follows:

638.750 As used in NAC 638.750 to 638.790, inclusive, "animal physical therapy" means the rehabilitation of injuries in a nonhuman animal through the use of ~~[the following]~~ techniques ~~[, but]~~ ***which are authorized pursuant to chapter 640 of NRS and the regulations adopted pursuant thereto and, unless performed by a veterinarian, which are determined in***

consultation between the person performing the animal physical therapy and the supervising veterinarian or veterinarian under whose direction the person performs such animal physical therapy pursuant to NAC 638.780, as applicable. The term does not include animal chiropractic . ~~[:~~

~~1. Stretching;~~

~~2. Massage therapy;~~

~~3. Rehabilitative exercise;~~

~~4. Hydrotherapy;~~

~~5. Application of heat or cold; and~~

~~6. Stimulation by the use of:~~

~~(a) Low-level lasers;~~

~~(b) Electrical sources;~~

~~(c) Magnetic fields; or~~

~~(d) Noninvasive therapeutic ultrasound.]~~

Sec. 31. NAC 638.760 is hereby amended to read as follows:

638.760 1. A person shall not practice animal physical therapy in this State unless he or she is:

(a) A veterinarian;

(b) A licensed veterinary technician who complies with the provisions of NAC 638.053; ~~[or]~~

(c) ***A veterinary technician in training who complies with the provisions of NAC 638.0525;***

(d) A registered veterinary student extern who complies with the provisions of section 5 of this regulation; or

(e) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

2. A physical therapist who desires to secure a certificate of registration to practice animal physical therapy in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has been an active licensed physical therapist in any state for at least 1 year;

(c) Is licensed by and in good standing with the Nevada Physical Therapy Board;

(d) Has successfully completed at least 100 hours of instruction or course work, or a combination of both, in the area of animal physical therapy, which must include, without limitation, assessment and planning of treatment, behavior, biomechanics, common orthopedic and neurological conditions, comparative anatomy, neurology, and therapeutic modalities and exercises; ~~[and]~~

(e) Has completed at least 125 hours of supervised clinical experience in animal physical therapy with a licensed veterinarian ~~[.]~~ ***; and***

(f) Has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

4. The application must be signed by the applicant.

5. Except as otherwise provided in NAC 638.790, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the physical therapist a certificate of registration.

Sec. 32. NAC 638.770 is hereby amended to read as follows:

638.770 1. Each certificate of registration issued pursuant to NAC 638.760 or renewed pursuant to this section expires on June 30 of each odd-numbered year.

2. Each application for renewal of a certificate of registration must be:

(a) Submitted in the form established by the Board;

(b) Signed by the physical therapist;

(c) Accompanied by proof that the physical therapist completed:

(1) Except as otherwise provided in subparagraph (2), at least 10 hours of continuing education in animal physical therapy approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the physical therapist was issued the certificate of registration on or after ~~[October]~~ ***July*** 1 of the immediately preceding even-numbered year, at least 5 hours of continuing education in animal physical therapy approved by the Board during the 12-month period immediately preceding the beginning of the new period of registration; and

(d) Accompanied by proof that his or her license as a physical therapist in this State is active and that he or she is in good standing with the Nevada Physical Therapy Board.

3. A physical therapist who fails to renew his or her certificate of registration before it expires forfeits the certificate of registration.

4. Except as otherwise provided in NAC 638.790, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the physical therapist.

Sec. 33. NAC 638.780 is hereby amended to read as follows:

638.780 1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 may practice animal physical therapy only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal physical therapy from the physical therapist.

(b) Within ~~[48 hours]~~ ***5 business days*** after the initial visit with the animal, mail or transmit electronically a complete copy of the medical record to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

(c) Within ~~[48 hours]~~ ***5 business days*** after each subsequent visit with the animal, mail or transmit electronically a progress report to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

4. Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:

(a) The name, address and telephone number of the owner of the animal;

(b) The name or identifying number, or both, of the animal;

(c) The age, sex and breed of the animal;

(d) The dates of care, custody or treatment of the animal;

(e) The results of a basic rehabilitation examination related to physical therapy;

(f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and

(g) The progress and disposition of the case.

Sec. 34. NAC 638.810 is hereby amended to read as follows:

638.810 1. A person shall not practice animal chiropractic in this State unless he or she is:

(a) A veterinarian; or

(b) A chiropractor who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.830.

2. A chiropractor who desires to secure a certificate of registration to practice animal chiropractic in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has been an active licensed chiropractor in any state for at least 1 year;

(c) Is licensed by and in good standing with the Chiropractic Physicians' Board of Nevada; ~~[and]~~

(d) Is certified by the American Veterinary Chiropractic Association or a similar accrediting or membership organization that is approved by the Board ~~[.]~~ ***; and***

(e) Has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

4. The application must be signed by the applicant.

5. Except as otherwise provided in NAC 638.840, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the chiropractor a certificate of registration.

Sec. 35. NAC 638.820 is hereby amended to read as follows:

638.820 1. Each certificate of registration issued pursuant to NAC 638.810 or renewed pursuant to this section expires on June 30 of each odd-numbered year.

2. Each application for renewal of a certificate of registration must be:

(a) Submitted in the form established by the Board;

(b) Signed by the chiropractor;

(c) Accompanied by proof that the chiropractor completed:

(1) Except as otherwise provided in subparagraph (2), at least 30 hours of continuing education in animal chiropractic approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the chiropractor was issued the certificate of registration on or after ~~[October]~~ ***July*** 1 of the immediately preceding even-numbered year, at least 15 hours of continuing education in animal chiropractic approved by the Board during the 12-month period immediately preceding the beginning of the new period of registration; and

(d) Accompanied by proof that his or her license as a chiropractor in this State is active and that he or she is in good standing with the Chiropractic Physicians' Board of Nevada.

3. A chiropractor who fails to renew his or her certificate of registration before it expires forfeits his or her certificate of registration.

4. Except as otherwise provided in NAC 638.840, upon receipt of the application for renewal and information required by subsection 2 and payment of the fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the chiropractor.

Sec. 36. NAC 638.830 is hereby amended to read as follows:

638.830 1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice animal chiropractic only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal chiropractic before the animal chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the animal chiropractic:

(a) Is not required to supervise the chiropractor during the animal chiropractic.

(b) Is not liable for the acts or omissions of the chiropractor who performs animal chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal chiropractic.

(b) Within ~~[48 hours]~~ ***5 business days*** after the initial visit with the animal, mail or transmit electronically a complete copy of the medical record to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

(c) Within ~~[48 hours]~~ ***5 business days*** after each subsequent visit with the animal, mail or transmit electronically a progress report to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

4. Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:

(a) The name, address and telephone number of the owner of the animal;

(b) The name or identifying number, or both, of the animal;

(c) The age, sex and breed of the animal;

(d) The dates of care, custody or treatment of the animal;

(e) The results of a basic physical examination related to musculoskeletal manipulation;

(f) The diagnosis and treatment plan related to musculoskeletal manipulation recommended by the chiropractor for the animal; and

(g) The progress and disposition of the case.

Sec. 37. Section 2 of LCB File No. R117-23 is hereby amended to read as follows:

1. "Euthanasic agent" means any prescription drug ~~[,]~~ ***that is not an opioid,*** regardless of the method in which the drug is administered, that is administered:

(a) To terminate the life of an animal; or

(b) To ease the suffering of an animal at the time the termination of life is performed.

2. The term includes, without limitation, alpha-2 agonists, ketamine and ~~[phenothiazine.]~~ ***phenothiazines.***

Sec. 38. Section 3 of LCB File No. R082-22 is hereby repealed.

TEXT OF REPEALED SECTION

Section 3 of LCB File No. R082-22.

Sec. 3. A veterinary technician or veterinary technician in training shall not:

1. Falsify records of health care;

2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinary technician or veterinary technician in training which were in fact not performed by him or her;

3. Render professional services to an animal while the veterinary technician or veterinary technician in training is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

5. Perform or fail to perform any service in a manner that violates a provision of chapter 574 of NRS;

6. Perform services which are not authorized by this chapter or chapter 638 of NRS for a veterinary technician or veterinary technician in training or that exceed the training or competence of the veterinary technician or veterinary technician in training;

7. Make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; or

8. Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action.

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter NAC 638.

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

The proposed regulation updates and modernizes Nevada's veterinary medical regulations to align with current standards of veterinary practice, maintain patient safety, medical recordkeeping, clarify supervision and facility requirements, expand workforce utilization through registered veterinary student externs, and strengthen consumer protections. The regulation also addresses patient safety considerations in veterinary dentistry. Administrative updates regarding continuing education, receipt of payments, and medical records were made to align with statute.

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.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by email to 3,142 individual license and registration holders, as well as the designated management contacts for 264 veterinary facilities who were known to have an interest in veterinary medicine, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Veterinary Medical Examiners (www.nvvetboard.nv.gov), mailed to each county library in Nevada, and posted at the following locations:

State of Nevada Board of Veterinary Medical Examiners
4600 Kietzke Ln.
Suite O-265
Reno, NV 89502

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Office of the Attorney General
1 State of Nevada Way
Las Vegas, NV 89119

Clark County Library
1401 E. Flamingo Rd.,
Las Vegas, NV 89119

Downtown Reno Library
301 S. Center Street
Reno, NV 89501

Sierra View Library
4001 South Virginia St.
Reno, NV 89502

www.notice.nv.gov

A workshop was held on October 23, 2025, and the Board received 8 written comments with 4 individuals testifying in-person or virtually. A second workshop was held on January 29, 2026, for which the Board received 10 written comments with 2 individuals testifying in-person or virtually.

A public hearing was held on April 30, 2026. At that hearing, 3 written comments were submitted before the hearing, and no one testified in person or virtually during the hearing.

A copy of the summary of the public comments made in person and by written submission to the proposed regulation is enclosed as 'Attachment A'.

3. The number of persons who:
(a) Attended each hearing: 0
(b) Testified at each hearing: 0
(c) Submitted to the agency written comments: 3

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 'Attachment B'.

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

Comments were solicited at each workshop and hearing from the 264 licensed veterinary facilities and 3,142 individual licenses, as well as 54 individuals who had requested such notice. Comments were solicited in the same manner as they were solicited from the public. Specific questions regarding potential small business impact were directed toward the solicitation for the October 30, 2025, workshop. The summary may be obtained as indicated 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 regulations were modified through the workshop process in response to public comments after Board consideration and discussion. At the April 30, 2026, adoption hearing, the Board did adopt the regulations with changes. One individual who submitted a comment had requested that the Board consider a modification to the 1,000-hour requirement for Veterinary Student Externs, but the Board felt that hands-on experience before granting registration would be in the interest of public safety, and as such, the Board elected not to make that change.

7. The estimated economic effect of the adopted regulation on the businesses that it regulates and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects for business;
(b) Both adverse and beneficial effects for the public;
(c) Both immediate and long-term effects for business; and
(d) Both adverse and beneficial effects for the public.

(a) Both adverse and beneficial effects for business.

Of benefit, the regulations will improve workforce availability and clarify roles between veterinary technicians in training and veterinary student externs that are currently not permitted to work during their first and second year of veterinary school. The regulations pertaining to animal drug shortages should alleviate potential disruptions caused by supply chain delays or interruptions. Allowing for electronic medical record delivery and electronic education resources should alleviate staff time during an investigation and support modernization efforts. The Board considered and does not believe that there will be any substantial adverse economic effects on veterinary businesses.

(b) Both adverse and beneficial effects for the public.

The proposed regulations are expected to be of benefit to the public by improving and clarifying standards of care, enhancing animal health and safety, increasing clarity and consistency in veterinary practice requirements, and improving access to qualified veterinary services. Adverse effects may include small changes to compliance and operational changes for some veterinary facilities; however, the regulatory changes were made with these changes in mind and are not overly restrictive or burdensome, especially when assessed against the needed patient protection the changes would codify.

(c) Both immediate and long-term effects for business.

Support of modernization and electronic access and delivery of medical records are intended to help alleviate staff time dedicated to the delivery of medical records during investigations or under circumstances where the Board requests records.

Facility operations should benefit in the long term from the increased flexibility and workforce pathways. Additionally, improved clarity regarding standards of care and facility standards should reduce risks associated with improper treatment of patients, as well as the management of medical records and facility operations.

(d) Both immediate and long-term effects for the public.

The proposed regulation may have immediate effects on the public through changes to veterinary facility operations, standards of care, and availability of certain veterinary services. Long-term effects are expected to include improved consistency in veterinary medical practices, enhanced consumer and animal protections, improved access to qualified veterinary care, and modernization of veterinary regulatory standards in Nevada.

(e) 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**.**

(f) A description of any regulations of other state or government agencies that 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.

(g) If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

(h) 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.

ATTACHMENT A

Public Comment Summary RO26-26

October 30, 2025, Regulation Workshop

Public Comment

Heather Davis asked why the item regarding identification of staff to clients was not being included in the draft regulation. Ms. Davis asked for clarification regarding dental procedures and stated that including regulations requiring a License Veterinary Technician (LVT) to report certain findings to the veterinarian may put undue pressure on the LVT to recognize abnormalities in the mouth which could be considered diagnosis. Ms. Davis also made recommendations regarding the timeline for retention of cremains and how to manage the volume of retained patients remains.

Rachel Schneider asked for the Board to consider the addition of allowing a VGAL to practice when the candidate is making a 6th attempt at the NAVLE rather than requiring them to cease practice. This would be especially important to consider when an individual that is required to be employed to maintain their work visa.

Destiny Cain, LVT stated that veterinariains are typically not involved in dental procedures and asked that the Board codify langauge to require a veterinarian to examine a patient prior to or at some time during the dentistry procedure. Ms. Cain also requested that the Board consider for future regulations, a permit for sonography for LVT's.

Suzanne Zervantian, DVM asked why recording the vaccine volume is required in the medical record. She also requested that the Board ensure regulation related to the retention of remains do not discirminate against larger breeds. She asked if the language regarding medication administration in the medical records is a concern. She reiterated concerns requiring LVTs to report dental abnormalities, and asked why veterinarians must document examination of a patient during a dental procedure when the requirement already exists.

Emily Renner, DVM, DAVDC strongly supports removing Nevada's allowance for non-anesthetic dental scaling. She argues the procedure is cosmetic rather than therapeutic, cannot properly identify or treat periodontal disease without anesthesia, probing, and radiographs, and may mislead owners into believing meaningful dental care has been provided. The letter provides detailed clinical explanations regarding periodontal disease, gingivitis, probing depths, tooth resorption, fractures, stomatitis, and radiographic findings to support the position that awake dental scaling does not meet accepted veterinary standards of care.

Rodney Ferry, DVM generally supports the proposed regulations but recommends revising the vaccine definition language to more accurately reflect how vaccines function clinically. He notes vaccines do not always create full immunity or completely prevent disease and suggests wording stating vaccines "aid in prevention" or "reduce severity" instead. He also expresses concern that the proposed animal remains storage and disposal requirements could unintentionally require facilities to store deceased animals for excessive periods, especially large animals.

Terri Koppe, DVM stated that there may be confusion with regulations that currently exist in regulation under the Board of Pharmacy.

Todd Behre, DVM commented on technical inaccuracies in the draft regulations regarding animal vaccines. He explains that the USDA, not the FDA, regulates animal vaccines and cites FDA guidance supporting that distinction. He additionally questions whether the terms "immunization" and "vaccination" are intended to be interchangeable throughout the regulations and recommends clarification for consistency and accuracy.

Brian Hewitt, DVM, DAVDC submitted an extensive statement opposing non-anesthetic or "cosmetic" dentistry. He explains that many serious dental diseases—including periodontal disease, endodontic disease, tooth fractures, developmental abnormalities, and inflammatory conditions—can only be properly diagnosed under anesthesia using probing and radiographs. He argues cosmetic cleaning may delay needed treatment, provide owners with a false sense of security, fail to protect the airway, increase patient stress, and permit progression of untreated disease. The letter includes several clinical case examples illustrating pathology that would have been missed during awake procedures and concludes that cosmetic dentistry provides no meaningful medical benefit while creating potential harm to animals and clients.

Jessica Ponte, LVT provided technical drafting recommendations intended to improve clarity and consistency in the regulations. Her comments address continuing education documentation requirements, use of undefined terminology such as "points," formatting and punctuation corrections, and stronger owner access rights to radiographs and diagnostic images. She also identifies several grammatical and wording changes intended to improve enforceability and readability of the regulations.

Sarah Kalivoda, DVM requests that Nevada allow veterinary graduates awaiting licensure (VGALs) to perform limited emergency, life-saving care without a veterinarian physically present, provided a supervising veterinarian is nearby, immediately available by phone, and able to direct care remotely until arrival. She argues this would improve animal welfare and continuity of care while remaining consistent with the authority already granted to licensed veterinary technicians.

Megan Allman, LVT stated her support for expanding the scope and operational flexibility of mobile veterinary technicians in Nevada. She supports allowing licensed veterinary

technicians to provide additional in-home veterinary support services under indirect veterinary supervision, based on referrals and written veterinary orders. Her comments emphasize the benefits of mobile veterinary care, including reduced patient stress, improved client compliance and education, increased clinic efficiency, public safety, improved access to care, and support for the human-animal bond. She also outlines proposed services mobile LVTs could provide, discusses recordkeeping and liability coverage, and compares the model to human home-health nursing services.

January 30, 2026, Regulation Workshop Regulation Workshop

Dr. Amanda Kremer requested that that Board removed the requirement that a patient be referred by a veteriarian prior to engaging in chiropractic services by an Animal Chiropractic (AC). Other states allow for self-referral. With self-referral, an AC knows when care other than chiropractic is needed and refers back to the veterinarian with providing care.

Jayme Frayne, LVT found an omission of 'the veterinarian' in Sec.15 page 46

Brook Niemiec, DVM supports the change to the supragingval cleaning allowance. Dr. Niemiec would supports the availability of dental radiology.

Dr. Marlene Tremblay has concerns regarding proposed language for Veterinary Technician Specialists (VTS).

Amanda Ray, LVT, VTS (Dentistry) stated that the current proposed VTS language does not change the scope of practice for Veterinary Technician Specialists versus Licensed Veterinary Technicians

David Baggett, DVM stated that he has concerns regarding ethics, VGAL, continuity of care with relief DVM's, misuse of LVT's, unlicensed activity, facility safety and controlled substqances. Furthermore, Dr. Baggett indicates that he knows of LVT's running vaccine clinics without a veterinarian on site and administering rabies vaccine.

Craig Shank, DVM stated that he would like to see changes to the proposed Registered Veterinary students and require that they completed the first year or 2-semesters rather than requiring 1000 hours in the field. Dr. Shank also would like to see an excmption regarding the storage and disposal standards for large animal species.

Christina Martini, DVM stated that she would the VTS language to better reflect the training performed by the VTS and expand the scope for the VTS.

Dennis Wilson, DVM stated that the Standard of Care in Sec 5.1, where the language states "in the best manner" is too ambiguous and open to interpretation consider "according to generally accepted standards of high quality medical and surgical care".

NV Board of Physical Therapy proposed Assistant Physical Therapist registration that would permit APT to work under the supervision of a licensed physical therapist.

Jonathan Osmond, LVT, VTS VECC submitted an example of the skills checklist for finalizing a veterinary emergency and critical care technician specilaist credential and supported the credentialling and expanded scope of practice for veterinary technician specilaists in Nevada.

April 30, 2026, Adoption Hearing

Nathan LaHue, DVM submitted a comment that he has concerns that the regulations do not include 3rd and 4th year students.

Brook Niemiec, DVM submitted a letter of support of the Board in removing the practice of non-anesthetic dentistry from the regulations.

Katherine Fogelberg stated that she has concerns that the 1,000-hour requirement for veterinary student externs would prevent individual students from being able to work in their first and second years.

ATTACHMENT B

Name	Organization	Email	Phone
In-Person			
Dennis Wilson, DVM	Animal Emergency and Specialty Center	drwilsondvm@yahoo.com	775-851-3600
Jonathan Esmond, LVT	Animal Emergency and Specialty Center	jaesmond@hotmail.com	760-490-6636
Video Conference			
Staci Lund (Unverified)			
Mandy Vogel (External)		Mandy.Vogel@mccormickbarstow.com	
1-510-978-6915 (Unverified)			510-978-6915
Mcdade, Gina		Regina.McDade@CSN.EDU	
Scott Young			
Louis Hillegass (External)		lhillegass@stplv.com	
1-775-247-8186 (Unverified)			775-247-8186
Heather Nichols			
Nevada Physical Therapy Board			
Jeannette Hutchings, LVT		Jeannette.Hutchings@banfield.com	
Teresa M. Beck		tbeck@klinedinstlaw.com	
Ken Yagi (Unverified)			
Dr. Michael Laymon PT (Unverified)			
Ken Yagi (Unverified)			
Natalia Mata (Unverified)			
Amanda Ray			
Dr. Michael Laymon (Unverified)			
1-702-370-9403 (Unverified)			702-370-9403
Katrina (Unverified)			
Charles Harvey (External)		pted@govmail.state.nv.us	
1-760-780-7441 (Unverified)			760-780-7441
Jeannette Hutchings, LVT		Jeannette.Hutchings@banfield.com	
1-775-453-5885(Unverified)			775-453-5885
Abigail Bake, DVM (Unverified)			
Naika Antoine			
1-702-885-6488 (Unverified)			702-885-6488
Rhonda Ingraham			

John Lapira (Unverified)			
Alyssa Cruz (Unverified)			
Larissa Munoz (Unverified)			
Natalia Mata (Unverified)			
Written Comment			
Nathan LaHue, DVM	Department of Wildlife	nate.lahue@ndow.org	775-688-1813
Katherine Fogelberg	Roseman University	kfogelberg@roseman.edu	702-968-1650
Brook Niemiec	Veterinary Dental Specialties	bniemiec@vdspets.com	858-279-2108

Small Business Impact Statement

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

1. The proposed amendments to Chapter 638 of the Nevada Administrative Code are a comprehensive update to modernize, clarify, and amend regulatory standards governing veterinary practice, facility operations, and professional conduct. The regulation introduces new definitions and registration requirements, including the establishment of a registered veterinary student extern role, while clarifying supervision responsibilities and permissible tasks within veterinary teams. It revises standards for medical recordkeeping, including timeliness, required content, and accessibility, and updates requirements related to continuing education, fee payments, and licensure processes to improve administrative efficiency. Additional provisions address the storage and disposition of deceased animals, the ethical management of abandoned animals, and the use of certain drugs during shortages or emergencies. The regulation also strengthens oversight of veterinary facilities, anesthesia and dentistry practices, and allied services such as animal physical therapy and chiropractic care, while consolidating and standardizing prohibited acts across all license types.

Collectively, these changes are intended to enhance public and animal safety, ensure clarity and consistency in regulatory expectations, and support evolving veterinary practices for licensees, business owners, and stakeholders.

2. Description of Solicitation: The Board solicited comments via email and requested that business owners and individuals submit any comments that would impose an economic or any other type of impact on their individual license or business.

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))

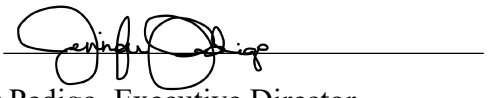
The proposed regulation does not impose a direct or significant economic burden upon small businesses or directly restrict any formation, operation, or expansion of a small business.

4. How was that conclusion reached?

The Board solicited input from 267 veterinary facilities in Nevada and from 3,161 individual Nevada licensees and registrants. The Board received public comment throughout the workshop and hearing process. However, none of the public comments stated or implied that the regulations would impose an economic burden.

I, Jennifer Pedigo, 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 above is accurate. (NRS 233B.0608(3))

Dated: 4/6/2026

Signed: 

Jennifer Pedigo, Executive Director

State of Nevada Board of
Veterinary Medicine Board

ADOPTED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R029-26

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

AUTHORITY: §§ 1-3, NRS 501.105, 501.181 and 503.150.

A REGULATION relating to wildlife; revising provisions relating to the use of a sight while hunting game mammals or game birds with certain weapons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the manner in which a person may hunt certain game mammals or game birds unless otherwise specified by regulation of the Board of Wildlife Commissioners. (NRS 503.150) Existing regulations: (1) provide for the use of an open sight, a peep sight and a telescopic sight or scope when hunting big game mammals, game mammals and game birds; and (2) establish certain exceptions for such use. (NAC 503.142, 503.144, 503.145, 503.1455, 503.146) **Section 1** of this regulation defines the term "sight" for the purposes of such existing regulations relating to hunting. **Section 2** of this regulation applies the definitions in existing regulations and **section 1** to the provisions of existing regulations relating to hunting, fishing and trapping.

Existing law prohibits hunting any game bird or game mammal with the aid of artificial light unless otherwise specified by regulation of the Board of Wildlife Commissioners. (NRS 503.150) Existing regulations: (1) establish certain exceptions to this prohibition; and (2) prohibit a person from hunting a big game mammal, game mammal or game bird with a weapon equipped with a sight that is capable of casting or projecting a beam of light that is visible to the unaided human eye from the sight to the animal. (NAC 503.145) **Section 3** of this regulation also prohibits a person from hunting such a mammal or bird with an electronic sight.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

"Sight" means any magnified, non-magnified or electronic device attached to a firearm, bow or crossbow that is designed to improve the visual alignment of the weapon. The term includes peep sights, open sights and telescopic sights or scopes.

Sec. 2. NAC 503.0001 is hereby amended to read as follows:

503.0001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 503.0005 to 503.0045, inclusive, ***and section 1 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 3. NAC 503.145 is hereby amended to read as follows:

503.145 ***1.*** The Commission hereby establishes the following exception to paragraph (f) of subsection 1 of NRS 503.150. Except as otherwise provided by paragraph (c) of subsection 1 of NAC 503.142, a sight attached to a firearm or bow that is used to hunt a game mammal or game bird, or a sight attached to a crossbow that is used to hunt a big game mammal, may be illuminated or powered by:

~~[1.]~~ ***(a)*** A battery contained within the sight;

~~[2.]~~ ***(b)*** Light-gathering fiber optics;

~~[3.]~~ ***(c)*** A radioactive isotope such as tritium; or

~~[4.]~~ ***(d)*** Iridescent or fluorescent paint.

~~[➥]~~

2. It is unlawful for a person to hunt a big game mammal, a game mammal or a game bird with a ~~[weapon]~~ ***firearm, bow or crossbow*** that is equipped with ~~[a]~~ ***:***

(a) A sight that is capable of casting or projecting a beam of light that is visible to the unaided human eye from the sight to the animal ~~[.]~~ ***; or***

(b) An electronic sight that has been designed to receive data from any internal or external source and that aids in the automatic adjustment of the sight reticle or aiming point.

STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066

LCB FILE NO. R029-26
Commission General Regulation 517

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 503.

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

The regulation is necessary to maintain ethical hunting practices and uphold the principle of fair chase by limiting the use of advanced electronic systems that provide hunters with an undue advantage. These devices, such as automatically adjusting aiming points using external data, compromise the integrity of wildlife management and create enforcement challenges. By clearly defining permissible and prohibited sight types, the proposed regulation ensures consistency, prevents unsporting practices, and protects Nevada's hunting traditions.

2. 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 during both the regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) in March 2026 and the adoption hearing in May 2026. Public comment may also be submitted at any time by email to wildlifecommission@ndow.org.

Meeting minutes from the Nevada Board of Wildlife Commissioners' meetings include all public comment and can be found here when posted: https://nvboardofwildlife.org/#meetings

Public comments reflected divided views on range-finding scope technology and fair chase ethics. Some speakers argued the technology is simply an extension of tools hunters have used for decades to estimate distance and improve shot accuracy for clean, ethical kills, and therefore should not be restricted. Others expressed concern that advancing technology could reduce the challenge of hunting by allowing hunters to target animals that are difficult to see or otherwise gain unfair advantages. Several commenters also warned that while current capabilities may seem limited, future technological developments could create more significant ethical concerns over time.

3. The number of persons who:
(a) Attended each hearing: (date and number of attended for workshops and hearings)
(b) Testified at each hearing: (date and number of attended for workshops and hearings)
(c) Submitted written comments: (date and number of attended for workshops and hearings)

March 14, 2026, NBWC Meeting

a. Attended: 49
b. Testified: 4
c. Written Comment: 0

May 9, 2026, NBWC Meeting

a. Attended: 48
b. Testified: 1
c. Written Comment: 0

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

(a) Name: Steve Robinson
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented: Washoe County Advisory Board to Manage Wildlife

(a) Name: Corbett Fleming
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented: Carson City County Advisory Board to Manage Wildlife

(a) Name: Stephanie Myers
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented:

(a) Name: Matt Melarkey
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented:

(a) Name: Paul Dixon
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented: Clark County Advisory Board to Manage Wildlife

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.

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

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.

Not Applicable

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 on businesses; and

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

(b) Both immediate and long-term effects on businesses:

There will be no immediate and long-term effects from the proposed regulation on small business because it does not regulate the operation of any small business.

(a) Both adverse and beneficial effects on the public; and

The regulation is expected to preserve the principles of fair chase and ethical hunting by limiting the use of advanced electronic systems that provide hunters with an undue advantage. By clearly defining permissible and prohibited sight types, the regulation ensures consistency in enforcement and prevents unsporting practices. This will help maintain public confidence in wildlife management, promote equitable hunting opportunities, and protect the integrity of Nevada's hunting traditions

(b) Both immediate and long-term effects on the public:

Hunters who currently use electronic sighting systems may incur costs to replace or modify equipment; however, these impacts are limited to a small subset of individuals.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There are no anticipated direct or indirect costs to the Department for the enforcement of the 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.

This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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

This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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 new or increased fees.

STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B

Commission General Regulation 517– LCB File No. R029-26 – Range Finding Scopes

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a "business conducted for profit which employs fewer than 150 full-time or part-time employees" (NRS233B.0382).

1. Describe 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:

   Answer:
   Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

2. The total number of small businesses likely to be affected by the proposed regulation.

   Answer:
   This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

3. A list of the chambers of commerce and trade associations notified of the proposed regulation.

   Answer:
   None were contacted as this regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

4. Describe the manner in which the analysis was conducted:

   Answer:
   Agency personnel concluded that there would be no small businesses impacted and, therefore, no need for a small business impact analysis.

5. Describe 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:

   Answer:
   There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

   b.) Both direct and indirect effects:

   Answer:
   There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

6. Describe 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:

   Answer:
   There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

7. Describe the estimated cost to the agency for enforcement of the proposed regulation:

   Answer:
   The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

8. 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:

   Answer:
   The proposed regulation does not provide new or increased fees.

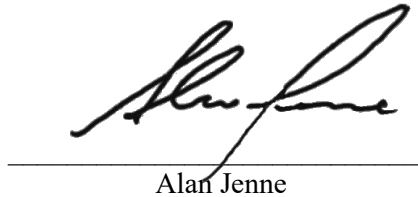
9. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

   Answer:
   This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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

    Answer:
    The agency concluded that this regulation does not impact small businesses because the changes are associated with a program administered by the Nevada Department of Wildlife.

I 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 this statement was prepared properly and is accurate.



Alan Jenne
Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R033-26

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; authorizing the Legislative Commission to appoint a Legislator to serve in an ex officio capacity as a nonvoting member of the Board of Control of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the county school district trustees to form a nonprofit association, to be known as the Nevada Interscholastic Activities Association, for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. (NRS 385B.050) Existing regulations establish the Board of Control as the governing body of the Association and set forth the voting and nonvoting membership of the Board. (NAC 385B.106) This regulation authorizes the Legislative Commission to appoint a Legislator to serve in an ex officio capacity as a nonvoting member of the Board.

Section 1. NAC 385B.106 is hereby amended to read as follows:

385B.106 1. The Board consists of twelve voting members selected pursuant to NAC 385B.110. The Board is the governing body of the Association.

2. In addition to the voting members specified in subsection 1, the Board includes the following nonvoting members:

(a) The president of:

(1) Each class established pursuant to NAC 385B.250;

(2) The private schools selected pursuant to NAC 385B.240; and

(3) The Nevada Athletic Directors Association or its successor organization;

(b) A representative from Class 4A North who is not serving as a nonvoting member pursuant to subparagraph (1) of paragraph (a);

(c) A representative from Class 4A South who is not serving as such a nonvoting member;

(d) A representative appointed by the Nevada Association of School Administrators or its successor organization;

(e) A representative appointed by an association of sports officials approved by the Association;

(f) A representative from a charter school that is a member school; ~~[and]~~

(g) ***A Legislator appointed by the Legislative Commission who serves in an ex officio capacity; and***

(h) Three pupils who are currently participating in a sanctioned sport of the Association to include:

(1) A resident of a county whose population is 700,000 or more;

(2) A resident of a county whose population is 100,000 or more but less than 700,000; and

(3) A resident of a county whose population is less than 100,000.

➥ Of the three members selected pursuant to this paragraph, none may be a child or immediate family member of an employee of a school district, charter school or private school.

3. Each nonvoting member specified in subsection 2 serves for a term of 2 years.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R033-26

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 needed to strengthen the relationship between the NIAA and state government by creating a channel for communication, education, and collaboration. The new legislative liaison position promotes transparency and public trust by providing policymakers with firsthand insight into board discussions, government processes, and the practical challenges schools face in administering activities and athletics while in turn allowing the NIAA to gain greater awareness of legislative concerns affecting schools, students, and athletics.

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 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 emailed 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

   On August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. This regulation was reviewed by the NIAA Board of Control at a board meeting held on

September 23, 2025, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 April 14, 2026 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.**

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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.**

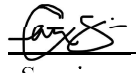
This regulation does not include a new fee or increase to an existing fee.

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 21 day of April, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

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Assistant Director

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608
LCB FILE No. 033-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

R034-26

ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R034-26

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

AUTHORITY: § 1, NRS 459.485, 459.490 and 459.500; §§ 2-4, NRS 459.485 and 459.490.

A REGULATION relating to hazardous waste; revising the fees for certain activities relating to hazardous waste and regulated units related thereto; imposing certain duties on persons who recycle certain hazardous waste; exempting certain facilities from certain prohibitions relating to the locations at which such facilities may be constructed under certain circumstances; revising provisions concerning exceptions to certain federal regulations relating to hazardous waste adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations to carry out provisions governing the management of hazardous waste to: (1) protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste; (2) establish a program for the regulation of the management of hazardous waste; (3) ensure safe and adequate management of hazardous waste; and (4) conserve resources of material and energy through the recycling or recovery of hazardous waste. (NRS 459.400, 459.485)

Existing law requires the Commission to adopt those regulations based on studies, guidelines and regulations of the Federal Government. (NRS 459.490) Existing regulations: (1) adopt by reference certain federal regulations with which a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil must comply; and (2) set forth certain specific parts and sections of federal regulations that are not adopted by reference or are adopted by reference but with certain revisions. (NAC 444.8632, 444.86325) **Section 4** of this regulation revises specific parts and sections of federal regulations that are not adopted by reference or that are adopted by reference with certain revisions.

Existing regulations require, with certain exceptions, a person who proposes to construct or operate a facility or mobile unit for the recycling of hazardous waste to obtain a written determination from the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the facility will operate as a facility or mobile unit, as applicable, for such recycling before commencing the construction or operation

of the facility or mobile unit. (NAC 444.8455) **Section 2** of this regulation requires a person who recycles certain hazardous waste to comply with: (1) certain federal requirements, as adopted by the regulations of the Commission; (2) local zoning requirements, in certain circumstances; (3) certain reporting and notification requirements; and (4) certain other regulations of the Commission.

Existing regulations impose certain prohibitions on the locations at which a stationary new or expanding facility for the management of hazardous waste may be constructed. (NAC 444.8456) **Section 3** of this regulation exempts certain facilities from such prohibitions if those facilities are subject to local zoning requirements pursuant to **section 2**.

Existing law authorizes the regulations of the Commission to include provisions for fees to pay the cost of inspection, certification and other regulation. (NRS 459.500) Existing regulations establish a schedule of annual permit fees which the owner or operator of a facility for the management of hazardous waste is required to pay to the Division for certain activities and regulated units to offset partially the cost of inspection and other regulation of the facility. (NAC 444.845) **Section 1** of this regulation clarifies that the annual fees are imposed to offset the cost of inspection and other regulation of a facility and are not limited to fees for permits. **Section 1** also establishes a $5,000 annual fee for: (1) a written determination, issued by the Administrator of the Division, that a proposed facility or mobile unit will operate as a facility or mobile unit, as applicable, for the recycling of hazardous waste; and (2) owners and operators of certain facilities that recycle certain hazardous materials or materials that are not stored before they are recycled.

Section 1. NAC 444.845 is hereby amended to read as follows:

444.845 1. The owner or operator of a facility for the management of hazardous waste shall, on or before March 1 of each year, pay the following annual ~~[permit]~~ fee to the Division to offset partially the cost of inspection and other regulation of the facility:

~~[Permitted]~~ Activity or Regulated Unit	Annual ~~[Permit]~~ Fee
Land disposal, or incineration or burning in a boiler or industrial furnace	$50,000
Treatment of hazardous waste	10,000

Thermal treatment of waste munitions of the Armed Forces of the United States or its contractor, including, without limitation, detonation 7,500

Storage of hazardous waste 2,500

Written determination issued pursuant to NAC 444.84555.....5,000

Recycling hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632, or recycling that is described in 40 C.F.R. § 261.6(c)(2), as adopted by reference in NAC 444.8632.....5,000

2. If the facility contains more than one type of regulated unit or engages in more than one type of ~~[~~permitted~~]~~ activity, the operator is not required to pay more than the annual ~~[~~permit~~]~~ fee for the regulated unit or ~~[~~permitted~~]~~ activity to which the highest fee is applicable.

3. The Division may assess a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains unpaid.

4. As used in this section, "owner or operator of a facility for the management of hazardous waste" means a person who:

(a) Qualifies for interim status pursuant to 40 C.F.R. Part 270, Subpart G, as adopted by reference in NAC 444.8632;

(b) Has been issued a permit pursuant to 40 C.F.R. Part 124, Subparts A, B and G, and Part 270, Subparts A to F, inclusive, I and J, as adopted by reference in NAC 444.8632; ~~[~~or~~]~~

(c) Has been issued a permit to carry out a remedial action plan pursuant to 40 C.F.R. Part 270, Subpart H, as adopted by reference in NAC 444.8632, if the facility is constructed and the permit issued after October 24, 2014 ~~[.]~~ ***;***

(d) Recycles hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632, or recycles recyclable materials without storing those materials before they are recycled, as described in 40 C.F.R. § 261.6(c)(2), as adopted by reference in NAC 444.8632; or

(e) Holds a written determination issued by the Administrator pursuant to NAC 444.84555.

Sec. 2. NAC 444.8455 is hereby amended to read as follows:

444.8455 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a person who proposes to construct or operate a facility for the recycling of hazardous waste must obtain a written determination from the Administrator that the facility will operate as a facility for the recycling of hazardous waste before commencing the construction or operation of the facility. If the facility will recycle hazardous waste other than used antifreeze governed by NAC 444.8801 to 444.9071, inclusive, or precious metals governed by 40 C.F.R. Part 266, as adopted by reference in NAC 444.8632, the Administrator must approve an operating plan for the facility before construction or operation of the facility commences. Such an operating plan must, without limitation, include a description of the procedures that will ensure safe operation and demonstrate compliance with:

(a) The requirements for emergency preparedness and a contingency plan specified in 40 C.F.R. Part 264, Subparts C and D, as adopted by reference in NAC 444.8632;

(b) The standards for containers and tanks specified in 40 C.F.R. Part 264, Subparts I, J, AA, BB and CC, as adopted by reference in NAC 444.8632; and

(c) The applicable requirements for closure and financial assurance for closure specified in 40 C.F.R. Part 264, Subparts G and H, as adopted by reference in NAC 444.8632.

2. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a person who proposes to construct or operate a mobile unit for the recycling of hazardous waste must obtain a written determination from the Administrator that the mobile unit will operate as a mobile unit for the recycling of hazardous waste before commencing the construction or operation of the mobile unit.

3. A written determination required pursuant to subsection 1 or 2 may be requested by filing a written application with the Administrator.

4. ***A person who recycles hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632, shall comply with the following:***

(a) The federal requirements as adopted by reference in NAC 444.8632, including, without limitation:

(1) The notification requirements set forth in 42 U.S.C. § 6930, as implemented in 40 C.F.R. § 260.42;

(2) The manifest requirements set forth in 40 C.F.R. §§ 265.71 and 265.72;

(3) The requirements for biennial reporting set forth in 40 C.F.R. § 265.75;

(4) The requirements for speculative accumulation of hazardous secondary materials set forth in 40 C.F.R. § 261.1(c)(8);

(5) The requirements for legitimate recycling of hazardous secondary materials set forth in 40 C.F.R. § 260.43, and appropriate documentation pursuant to 40 C.F.R. § 261.2(f);

(6) The requirements relating to materials that are "contained," as defined in 40 C.F.R. § 260.10;

(7) The standards for containers and tank systems, as set forth in 40 C.F.R. Part 264, Subparts I and J;

(8) The air emission standards and related monitoring requirements set forth in 40 C.F.R. Part 264, Subparts AA, BB and CC;

(9) The requirement to manage any residues that are generated from the recycling process in a manner that is protective of human health and the environment, including, without limitation, performing an accurate waste determination as required by 40 C.F.R. § 262.11, for the disposal of any residues;

(10) The requirements for emergency preparedness and contingency planning set forth in 40 C.F.R. Part 264, Subparts C and D and, if applicable, 40 C.F.R. Part 261, Subpart M; and

(11) If the person is an owner or operator of a facility that recycles recyclable materials without storing those materials before they are recycled, the requirements set forth in 40 C.F.R. § 261.6(c)(2).

(b) The financial requirements set forth in 40 C.F.R. Part 261, Subpart H, as adopted by reference in NAC 444.8632, and 40 C.F.R. Part 264, Subparts G and H, as adopted by reference in NAC 444.8632, for the closure and post-closure of the facility based on the maximum amount of material handled at the facility, including, without limitation, the

disposal of the maximum amount of materials and wastes generated from the recycling process at the facility.

(c) For a facility established after the effective date of this paragraph, applicable local zoning requirements in lieu of the requirements of NAC 444.8456. If no such local zoning requirements exist, the facility shall comply with NAC 444.8456.

(d) In addition to the requirements of 40 C.F.R. § 265.75, as adopted by reference in NAC 444.8632, a person who recycles hazardous waste shall, by March 1 of each year, report to the Division through a database or form prescribed by the Division all materials the person:

(1) Received;

(2) Recycled; and

(3) Sent for disposal.

(e) In addition to the requirements set forth in NAC 445A.347 and 445A.3473, an owner or operator of a facility, or an agent designated by the owner or operator, shall, not later than 24 hours after any event at the facility, including, without limitation, a fire, explosion or release of hazardous waste, that requires the notification or response of an emergency response agency or the activation of the contingency plan for the facility, notify the Division of the event.

5. The provisions of this section do not apply to a person who ~~[is recycling]~~ ***recycles*** hazardous waste which ~~[he or she]~~ ***the person*** has generated ~~[,]~~ at a unit for the recycling of hazardous waste ~~[which]~~ ***that*** is owned by the person and is located at the same site at which the hazardous waste is generated.

Sec. 3. NAC 444.8456 is hereby amended to read as follows:

444.8456 1. A stationary new or expanding facility for the management of hazardous waste must not be constructed within:

(a) One mile of:

(1) A dwelling, school, church or community center;

(2) An area zoned solely for residential use;

(3) A public park;

(4) A wildlife management area;

(5) An area identified by the Department of Wildlife as a key habitat for wildlife or as a habitat for an endangered or threatened species;

(6) An area where surface water or wetlands occur;

(7) A natural or artificially created geologic hazard which provides a potential for the conveyance of hazardous constituents, as that term is defined in Appendix VIII of 40 C.F.R. Part 261, as adopted by reference in NAC 444.8632, to surface or groundwaters; or

(8) An existing well which supplies public drinking water;

(b) An area identified by the Office of Historic Preservation of the State Department of Conservation and Natural Resources as an historical or archeological site that is eligible for listing in the State Register of Historic Places or the National Register of Historic Places, unless an approved mitigation activity has been completed on the site;

(c) A 100-year floodplain; or

(d) An area where the water table seasonally rises to within 150 feet of the surface of the ground.

2. The provisions of this section do not apply to a facility:

(a) For community recycling;

(b) For community storage;

(c) For the storage of hazardous waste which is generated on the site of the facility; ~~[or]~~

(d) Which qualifies for interim status pursuant to 40 C.F.R. Part 270, Subpart G, as adopted by reference in NAC 444.8632 ~~[.]~~ ***; or***

(e) That is established after the effective date of paragraph (c) of subsection 4 of NAC 444.8455 and which is subject to local zoning requirements pursuant to that paragraph.

Sec. 4. NAC 444.86325 is hereby amended to read as follows:

444.86325 1. The following sections and parts of Title 40 of the Code of Federal Regulations, and any reference to those sections and parts, are not adopted by reference:

(a) Section 2.101(a)(1)-(4);

(b) Sections 124.1(b)-(e), 124.4, 124.5(e), 124.9, 124.10(a)(1)(iv), 124.15(b)(2), 124.16, 124.17(b), 124.18, 124.19 and 124.21;

(c) Sections 260.1(b)(4)-(6) and 260.20, 260.21 ~~[,]~~ ***and*** 260.22 ***;*** ~~[and 260.42;]~~

(d) Sections 261.4(b)(4), 261.4(h), 261.7(c), 261.400(a)-(b), 261.410(e)-(f), 261.411, 261.420, 261.1035(b)(1) and 261.1064(b)(2);

(e) Sections 262.10(l), 262.10(m), 262.10(n), 262.13(c)(9), 262.13(f)(1)(iii), 262.14(a)(5)(ix)-(x) and Part 262, Subpart K;

(f) Sections 264.1(d), 264.1(f), 264.1(g)(13), 264.15(b)(5), 264.149, 264.150, 264.301(l), 264.1050(h), 265.1(c)(4), 265.1(c)(16), 265.149, 265.150, 265.430 and 265.1050(g);

(g) Section 266.111 and Part 266, Subpart P;

(h) Section 267.150;

(i) Sections 268.5 and 268.6, Part 268, Subpart B, and sections 268.42(b), 268.44 and 268.50(a)(4)-(5);

(j) Sections 270.1(c)(1)(i), 270.1(c)(2)(x), 270.60(b) and 270.64;

(k) Section 273.80(d); and

(l) Sections 279.10(b)(2), 279.10(b)(3), 279.10(c), 279.10(d)(1), 279.42(b)(2), 279.51(b)(2), 279.62(b)(2) and 279.73(b)(2).

2. The following parts and sections of Title 40 of the Code of Federal Regulations are adopted by reference, as revised in this subsection:

(a) Part 124 is adopted with the following exceptions:

(1) Delete all references to "EPA-issued permits" and insert in its place "permits issued by the Department," except in sections 124.5(d), 124.10(b) and 124.10(d)(1)(vi);

(2) Delete all references to "when EPA is the permitting issuing authority" and insert in its place "when the Department is authorized to issue a permit";

(3) Subpart A is adopted solely for the purpose of establishing procedures for permits for the management of hazardous waste, except that all references to "UIC," "PSD" and "NPDES" are deleted;

(4) In sections 124.31 and 124.32, delete all references to "RCRA part B," "part B RCRA" and "part B" and insert in their place "NRS 459.400 to 459.600, inclusive,"; and

(5) In sections 124.31(a), 124.32(a) and 124.33(a), delete the following sentence: "For the purposes of this section only, 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271."

(b) Part 260 is adopted with the following exceptions:

(1) In section 260.2(a), replace the "Freedom of Information Act, 5 U.S.C. § 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information Act and section 3007(b)" with "NRS 459.555 and any regulations adopted pursuant thereto."

(2) In section 260.10, replace "262.34" with "262.14 to 262.17" in the definition of "Final closure" and delete "261.2(a)(2)(ii) and" from the definition of "Hazardous secondary material generator."

(3) In section 260.33(b), delete "in the locality where the recycler is located."

(4) In section 260.34(a), delete "Determinations may also be granted by the State if the State is either authorized for this provision or if the following conditions are met: (1) The State determines the hazardous secondary material meets the criteria in paragraphs (b) or (c) of this section, as applicable; (2) The State requests that EPA review its determination; and (3) EPA approves the State determination."

(5) In section 260.41(a), delete "or unless review by the Administrator is requested. The order may be appealed to the Administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal."

(c) Part 261 is adopted with the following exceptions:

(1) In section 261.1(a)(1), delete "hazardous waste produced by very small quantity generators and."

(2) In section 261.4(a)(1)(ii), delete ", except as prohibited by § 266.505 and Clean Water Act requirements at 40 CFR 403.5(b)."

(3) In section 261.4(a)(24)(v)(B)(3), delete "publicly available."

(4) In section 261.4(a)(24)(vi)(E), replace "272" with "270."

(5) In section 261.4(e)(1), replace "40 CFR 261.5 and 262.34(d)" with "40 CFR 262.13 and 262.16(b)."

(6) In section 261.4(e)(3)(iii), delete "in the Region where the sample is collected."

(7) In section 261.6(a)(3)(i)(A), replace "§§ 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57" with "§ 262.83" and replace "subpart E" with "subpart H."

(8) In section 261.11(c), replace "261.5(c)" with "262.13(c)."

(9) In section 261.30(d), replace "261.5" with "262.13."

(10) In section 261.33(c), delete "or § 266.507."

(11) ~~[In each of the four entries for "P075" in the table in section 261.33(e), delete "(this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)."~~

~~(12)]~~ In section 261.142(a)(3)-(4), replace both references to "§ 265.5113(d)" with "§ 265.113(d)."

~~[(13)]~~ ***(12)*** In section 261.1089(f), replace "261.1082(c)(1) or (c)(2)(i) through (vi)" with "261.1082(c)."

~~[(14)]~~ ***(13)*** In Part 261, Appendix IX, replace any references to "40 CFR 262.34" with "40 CFR 262.15, 262.16 and 262.17."

(d) Part 262 is adopted with the following exceptions:

(1) In section 262.11(d)(2), delete "or according to an equivalent method approved by the Administrator under 40 CFR 260.21."

(2) In section 262.14(a)(5)(ix), replace the final period with a semicolon.

(3) In section 262.14(a)(5)(x), replace the final period with "; and."

(4) In section 262.20(a)(2), replace "262.54 and 262.60" with "262.83(c)-(e) and 262.84" and replace both references to "262.34" with "262.16, 262.17."

(5) In sections 262.42(a)(2) and 262.42(b), delete "for the Region in which the generator is located."

(6) In section 262.212(e)(3), replace "§ 261.5(c) and (d)" with "§ 262.13(c) and (d)."

(e) Part 264 is adopted with the following exceptions:

(1) In section 264.18(c), delete "except for the Department of Energy Waste Isolation Pilot Project in New Mexico."

(2) In sections 264.143(h) and 264.145(h), replace "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions" with "If the facilities covered by the mechanism are in this State and another state, identical evidence of financial assurance must be submitted to and maintained with the Division and the agency regulating hazardous waste in the other state or, if the other state has not been approved or authorized by the EPA under 40 CFR Part 271, the EPA Regional Administrator."

(3) In sections 264.147(a)(1)(i) and 264.147(b)(1)(i), delete ", or Regional Administrators if the facilities are located in more than one Region."

(4) In section 264.151:

(I) Replace any requirement that an owner or operator notify the EPA Regional Administrator of the financial obligations of the owner or operator with a requirement that the owner or operator notify the Director, the agency regulating hazardous waste in a state that has

been approved or authorized by the EPA under 40 C.F.R. Part 271 and all EPA Regional Administrators of Regions affected by the financial assurance mechanism of the owner or operator;

(II) Require that all orders, requests, instructions and notices to the Trustee regarding a financial assurance mechanism for a facility in this State be in writing and signed by the Director; and

(III) Delete "an agency of the United States Government" from the second paragraph of the trust agreement.

(5) In section 264.1030(b)(3), replace "40 CFR 262.34(a)" with "40 CFR 262.17(a)."

(6) In section 264.1050(b)(2), replace "40 CFR 262.34(a)" with "40 CFR 262.17(a)."

(f) Part 265 is adopted with the following exceptions:

(1) In section 265.18, delete ", except for the Department of Energy Waste Isolation Pilot Project in New Mexico."

(2) In section 265.145(g), replace "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions" with "If the facilities covered by the mechanism are in this State and another state, identical evidence of financial assurance must be submitted to and maintained with the Division and the agency regulating hazardous waste in the other state or, if the other state has not been approved or authorized by the EPA under 40 CFR Part 271, the EPA Regional Administrator."

(3) In section 265.147(a)(1)(i), delete "or Regional Administrator if the facilities are located in more than one Region."

(g) Part 266 is adopted with the following exceptions:

(1) In section 266.100(c)(3), replace "conditionally exempt small quantity generators under § 261.5" with "very small quantity generators under §§ 262.13 and 262.14."

(2) In section 266.108(c), replace "§ 261.5" with "§§ 262.13 and 262.16."

(h) Part 268 is adopted with the following exceptions:

(1) In the leadline for section 268.7, delete "reverse distributors."

(2) In section 268.7(a), delete "and reverse distributors."

(i) Part 270 is adopted with the following exceptions:

(1) Delete all references to "interim authorization"; and

(2) Delete "or 267.150" in § 270.290(r).

(j) Part 273 is adopted with the following exceptions:

(1) In section 273.1(b), replace "272" with "270."

(2) In section 273.13(a)(3)(i), 273.13(c)(2)(iii), 273.13(c)(2)(iv), 273.13(c)(4)(ii) and 273.13(e)(4)(v), replace "272" with "270."

(3) In section 273.13(e)(4)(vi), replace "or" with "and."

(4) In section 273.17(b), replace "272" with "270."

(5) In section 273.3(b)(2), replace "272" with "270."

(6) In section 273.33(a)(3)(i), 273.33(c)(2)(iii), 273.33(c)(2)(iv), 273.33(c)(4)(ii) and 273.33(e)(4)(v), replace "272" with "270."

(7) In section 273.33(e)(4)(vi), replace "or" with "and."

(8) In section 273.37(b), replace "272" with "270."

(9) In section 273.54(b), replace "272" with "270."

(10) In section 273.80(a), replace “Except as provided in paragraph (d) of this section, any” with “Any.”

(k) Part 279 is adopted with the following exceptions:

(1) In section 279.40(c), delete “unless, under the provisions of § 279.10(b), the hazardous waste/used oil mixture is determined not to be hazardous waste.”

(2) Delete the entirety of section 279.82 and replace with “§ 279.82 Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited.”

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: R034-26P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The proposed regulatory petition establishes a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials. The regulatory amendment also establishes an annual fee for the Division's oversight of these types of facilities and existing facilities operating under a written determination authorization from the Division, and updates some portions of federal requirements adopted by reference.

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, R034-26P, in the Nevada Register on March 27, 2026.

The NDEP held one public workshop for R034-26P on April 2, 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. Twenty-five members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received four verbal questions:

1) Q: Shane O'Neil from Republic Services (US Ecology) stated that the fire codes have different definitions of fire, so he asked that when the regulations say fire, is the State talking about any fire or unwanted fire?
   A: Mr. Zittel responded by stating that when this has been discussed internally, it means any fire because we are talking about hazardous waste. If there is a fire, it would be open burning because there shouldn't be flames under normal operations.

2) Q: Shane O'Neil from Republic Services (US Ecology) responded by stating that if a fire is defined as open burning, then it is clarified.
   A: Mr. Kinder responded by stating that the State appreciates these comments and the language of the fire code will be looked into.

3) Q: Kayla Alm from Comstock asked if the proposed regulations are requiring that every HSM shipment is going to require a manifest.
   A: Mr. Kinder responded by stating no, that the facility would follow the federal requirements and if they received an HSM shipment that for whatever reason required a manifest, then they would follow those regulations. If a shipment did not require a manifest, the State would not require a manifest.

4) Q: Alex Tanchek from Silver State Government Relations asked what the intent of including gum and nicotine patches in the proposed regulation was. He was curious if it was conforming with federal requirements or federal changes.
   A: Ms. Hood responded by stating it is part of the Pharmaceutical Rule that we have not adopted here yet but we are trying to make it a little bit easier for industry by removing those from the P code because that is an acute hazardous waste.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to both the Hazardous Waste and the Solid Waste listservs. The Division accepted written comments on R034-26P for 30 days ending on April 17, 2026.

The SEC held a hybrid regulatory hearing on April 30, 2026, to consider possible action on R034-26P. The SEC posted its public notice, which included a link[1] and instructions to access R034-26P 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 April 30, 2026, hearing: 45 (approximately)
(b) Testified on this petition at the hearing: 3

[1] https://sec.nv.gov/meetings/sec-meeting-april-30-2026

1. Jonathan Zittel, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9465
   jzittel@ndep.nv.gov

2. Chris Locken, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9316
   clocken@ndep.nv.gov

3. Rob Paulsen, representing Tesla, Inc.
   Electric Avenue
   Sparks, Nevada 89434
   (888) 518-3752

(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.

Comments were solicited from affected businesses through one public workshop and during the April 30, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the April 30, 2026, SEC meeting: Mr. Rob Paulsen, representing Tesla, Inc., spoke briefly in support of the proposed regulations.

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 R034-26P with NDEP-proposed changes because the SEC was satisfied with the proposed regulation and the proposed edits to the LCB draft.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry:

This regulatory amendment is not anticipated to have any adverse or beneficial economic effects on the regulated community in the short or long term.

Public:

This regulatory amendment is not anticipated to have any adverse or beneficial economic effects on the public in the short or long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

The proposed changes are not expected to have a significant impact on the agency, as potentially not receiving permitting fees would be recouped through the proposed annual fee.

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 establish a single regulatory regime for facilities seeking to manage recyclable materials under existing federal and state requirements and update some portions of federal requirements adopted by reference.

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 regulatory amendments include a proposed new annual fee for facilities that recycle hazardous waste. However, facilities that recycle both hazardous waste and hazardous secondary materials would no longer need to seek a written determination authorization or pay the associated fees. Therefore, it is not anticipated to have an estimated cost effect on the agency, as potentially not receiving permitting fees would be recouped through the proposed annual fee.

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, the proposed regulations do not impose a direct and significant economic burden on small businesses to our knowledge. Existing regulations require a written determination from the Administrator of the Division before a facility for the recycling of hazardous waste can commence construction or operation of the facility. In December of 2024, the State Environmental Commission approved R161-24, which adopted by reference certain exclusions in federal law for hazardous secondary materials (HSM). When HSM is properly managed and legitimately recycled, HSM is exempt from the definition of solid waste, and therefore, not considered a hazardous waste. As many recyclable materials can be classified as hazardous waste or HSM, adoption of R161-24 created the possibility that a facility handling more than one type of recyclable material may be subject to two different regulatory requirements. This regulatory amendment petition seeks to establish a single regulatory regime for these types of facilities seeking to manage recyclable materials. The regulatory amendment also establishes an annual fee for the Division's oversight of these types of facilities; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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, the proposed regulations do not restrict the formation, operation, or expansion of a small business. This regulatory amendment petition seeks to establish a single regulatory regime for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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.)*

NDEP will explain the Agency assumptions related to small business impacts and solicit comment from affected business through the State's administrative rulemaking process pursuant to NRS/NAC 233B.

2. The manner in which the analysis was conducted (if an impact was determined).

NDEP will explain the Agency assumptions related to small business impacts and solicit comment from affected business through the State's administrative rulemaking process pursuant to NRS/NAC 233B.

3. The estimated economic effect of the proposed regulation on small businesses:

The partial adoption of the Pharmaceuticals Rule will allow small businesses to manage nicotine replacement therapies without the P075 waste code, which could lead to an economic benefit.

a. Both adverse and beneficial effects:

None.

b. Both direct and indirect effects:

None.

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.)*

No Small Business Impact Statement is anticipated.

A. Simplification of the proposed regulation:

None.

B. Establishment of different standards of compliance for a small business:

None.

C. Modification of fees or fines so that a small business in authorized to pay a lower fee or fine:

None.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

At the current workload, NDEP can manage the facilities we are aware of. However, if the workload expands, staffing levels will need to be reevaluated.

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 proposed regulations make amendments to NAC 444.845 with the addition of Written Determination pursuant to NAC 444.84555, subject to an annual fee of $5,000. In addition, an annual fee of $5,000 is established for hazardous waste recyclers that are subject to 40 CFR 261.6(c)(2) and that reclaim hazardous waste in a manner that complies with the requirements set forth in 40 CFR 261.4(a)(23), (24), or (27).The fees collected pursuant to this section will be used to pay the annual fee to the Division and to partially offset the cost of inspection, financial assurance review, and other regulatory activities conducted by the Division for the facility.

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.

There are no duplicate or more stringent requirements. This regulatory amendment petition seeks to establish a single regulatory strategy for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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

This regulatory amendment petition seeks to establish a single regulatory strategy for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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.

Jennifer Carr (Feb 26, 2026 15:38:28 PST)

Administrator, NDEP

02/26/2026

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

260210 Form 4 (002)

Final Audit Report 2026-02-26

Created:	2026-02-25
By:	MICHELLE GONSE (mgonse@ndep.nv.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8qnEhhQDEttZPPmyIDa-zRKHc-nhOn1M

"260210 Form 4 (002)" History

Document created by MICHELLE GONSE (mgonse@ndep.nv.gov)
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Email viewed by Jennifer Carr (jcarr@ndep.nv.gov)
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Document e-signed by Jennifer Carr (jcarr@ndep.nv.gov)
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R035-26

ADOPTED REGULATION OF THE

STATE BOARD OF OSTEOPATHIC MEDICINE

LCB File No. R035-26

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

AUTHORITY: §§ 1 and 6, NRS 622.540, 633.291, 633.305 and 633.3618; §§ 2 and 4, NRS 622.540, 633.291 and 633.305; §§ 3 and 5, NRS 633.291, 633.305 and 633.3618.

A REGULATION relating to osteopathic medicine; establishing certain requirements for the prioritization of certain applications for licensure by the State Board of Osteopathic Medicine; establishing the timeframe and process by which the Board will review and render a final decision on such applications; prescribing certain actions that the Board will take to ensure the timely processing of such applications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of osteopathic physicians, physician assistants and anesthesiologist assistants by the State Board of Osteopathic Medicine. (Chapter 633 of NRS) Assembly Bill No. 483 (A.B. 483) of the 2025 Legislative Session requires each health care licensing board, including the State Board of Osteopathic Medicine, to adopt regulations that establish a process for prioritizing the review of an application for initial licensure as a provider of health care submitted by an applicant who demonstrates that he or she will primarily practice health care in a historically underserved community. A.B. 483 requires a health care licensing board to allow an applicant to make such a demonstration by submitting a letter from an employer that is located in a historically underserved area that: (1) states that the applicant has accepted an offer of employment from the employer; and (2) contains certain other information. (NRS 622.540) **Section 2** of this regulation provides that an applicant for an initial license to practice osteopathic medicine, to practice as a physician assistant or to practice as an anesthesiologist assistant is eligible to have the review of his or her application prioritized if the applicant includes with his or her application: (1) a request for prioritization; (2) a letter from his or her employer that meets the requirements set forth in A.B. 483; and (3) an attestation that the employer is located in a historically underserved community.

Senate Bill No. 5 (S.B. 5) of the 36th Special Session of the Nevada Legislature requires the Board to establish a procedure to prioritize the processing of applications for the initial issuance of a license to practice osteopathic medicine submitted by an applicant who intends to practice: (1) serving geographic areas and populations where the shortage of providers of health care is most critical, as determined by the Nevada Health Authority; or (2) in a specialty for which the need is most critical, as determined by the Authority. (NRS 633.3618) **Section 3** of this regulation provides that an applicant for an initial license to practice osteopathic medicine is eligible to have the review of his or her application prioritized by the Board if the applicant

includes with his or her application: (1) a request for prioritization; and (2) an attestation that the applicant reasonably expects to practice osteopathic medicine serving a geographic area or population or in a specialty that satisfies the requirements set forth in S.B. 5.

Sections 4 and 5 of this regulation establish the timeframe and process by which the Board will prioritize, review and render a final decision on an application for licensure submitted by an applicant who is eligible for such prioritization under **section 2 or 3**, respectively. Specifically, **sections 4 and 5** provide that the Board will: (1) determine whether the application is complete within 7 business days after receiving the application; (2) render a final decision on the application and notify the applicant of that final decision not later than 30 business days after the business day on which the Board verifies that the application is complete and has received all necessary supporting documentation, reports and verifications; and (3) if the Board approves the application, issue the applicable license not later than 45 business days after the Board verifies that the application is complete and has received all necessary documentation, reports and verifications. **Sections 4 and 5** also provide that the Board will take certain actions to ensure the timely processing of applications in accordance with those sections.

Section 1. Chapter 633 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. An applicant for an initial license to practice osteopathic medicine, to practice as a physician assistant or to practice as an anesthesiologist assistant is eligible to have the review of his or her application prioritized by the Board pursuant to section 4 of this regulation if the applicant:***

(a) Has accepted an offer of employment from an employer that is located in a historically underserved community; and

(b) Includes with his or her application:

(1) A request for prioritization on a form provided by the Board;

(2) A letter from the employer described in paragraph (a) which meets the requirements set forth in paragraph (a) of subsection 1 of NRS 622.540; and

(3) A signed attestation that the employer described in paragraph (a) is located in a historically underserved community.

2. An applicant for a license is subject to discipline or denial of licensure if, after notice and hearing in accordance with this chapter and chapters 622A and 633 of NRS, the Board finds that the applicant has willfully and intentionally submitted to the Board a forged or false attestation pursuant to subparagraph (3) of paragraph (b) of subsection 1.

3. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 622.540.

Sec. 3. *1. An applicant for an initial license to practice osteopathic medicine is eligible to have the review of his or her application prioritized by the Board pursuant to section 4 of this regulation if the applicant includes with his or her application:*

(a) A request for prioritization on a form provided by the Board; and

(b) A signed attestation that he or she reasonably expects to practice osteopathic medicine after being issued the license:

(1) In a geographic area or serving a population that meets the criteria set forth in paragraph (a) of subsection 1 of NRS 633.3618; or

(2) In a specialty that meets the criteria set forth in paragraph (b) of subsection 1 of NRS 633.3618.

2. An applicant for a license to practice osteopathic medicine is subject to discipline or denial of licensure if, after notice and hearing in accordance with this chapter and chapters 622A and 633 of NRS, the Board finds that the applicant has willfully and intentionally submitted to the Board a forged or false attestation pursuant to paragraph (b) of subsection 1.

3. At least once each year, the Board will collaborate with the Nevada Health Authority to perform the duties required by paragraph (b) of subsection 2 of NRS 633.3618.

NEW FIRST
PARALLEL
SECTION

Sec. 4. *1. Not later than 7 business days after receiving an application which includes a request for prioritization made pursuant to section 2 of this regulation, the Board will:*

(a) Verify that the application is complete and includes, without limitation:

(1) All required documentation; and

(2) All applicable fees; and

(b) If the Board determines that the application is incomplete, notify the applicant by telephone or in writing that his or her application is incomplete and describe the specific steps necessary for the applicant to complete his or her application.

2. As soon as practicable after verifying that an application is complete pursuant to paragraph (a) of subsection 1, the Board will begin processing the application and obtaining or verifying all transcripts, supporting documentation and background investigations that are necessary for the Board to evaluate the application. If the Board determines that additional information or documentation is required from the applicant, the Board will notify the applicant by telephone or in writing not later than 7 days after making such a determination:

(a) That additional information or documentation is required; and

(b) Of the specific information or documentation that is required.

3. The Board will render a final decision on an application which includes a request for prioritization made pursuant to section 2 of this regulation and notify the applicant of that final decision not later than 30 business days after the business day immediately following the date on which the Board has:

(a) Verified that the application is complete;

(b) Received from the Central Repository for Nevada Records of Criminal History the report of the Federal Bureau of Investigation concerning the applicant and the results of any other background investigation conducted with respect to the applicant; and

(c) Received and verified all applicable transcripts and any other supporting documents necessary for the Board to render a final decision on the application.

4. If the Board approves an application which includes a request for prioritization made pursuant to section 2 of this regulation, the Board will issue the applicable license to the applicant not later than 45 business days after the business day immediately following the date on which the Board has completed the tasks described in paragraphs (a), (b) and (c) of subsection 3.

5. The Board will, using data, time stamps and other metrics maintained by the Board:

(a) Monitor the expediency of the Board in reviewing applications accompanied by requests for prioritization pursuant to section 2 of this regulation from applicants who are eligible for such prioritization; and

(b) Ensure that the Board reviews and renders final decisions on applications described in paragraph (a) within the timeframes set forth in this section.

NEW SECOND PARALLEL SECTION

Sec. 5. Section 4 of this regulation is hereby amended to read as follows:

Sec. 4. 1. Not later than 7 business days after receiving an application which includes a request for prioritization made pursuant to section 2 ***or 3*** of this regulation, the Board will:

(a) Verify that the application is complete and includes, without limitation:

(1) All required documentation; and

(2) All applicable fees; and

(b) If the Board determines that the application is incomplete, notify the applicant by telephone or in writing that his or her application is incomplete and describe the specific steps necessary for the applicant to complete his or her application.

2. As soon as practicable after verifying that an application is complete pursuant to paragraph (a) of subsection 1, the Board will begin processing the application and obtaining or verifying all transcripts, supporting documentation and background investigations that are necessary for the Board to evaluate the application. If the Board determines that additional information or documentation is required from the applicant, the Board will notify the applicant by telephone or in writing not later than 7 days after making such a determination:

(a) That additional information or documentation is required; and

(b) Of the specific information or documentation that is required.

3. The Board will render a final decision on an application which includes a request for prioritization made pursuant to section 2 ***or 3*** of this regulation and notify the applicant of that final decision not later than 30 business days after the business day immediately following the date on which the Board has:

(a) Verified that the application is complete;

(b) Received from the Central Repository for Nevada Records of Criminal History the report of the Federal Bureau of Investigation concerning the applicant and the results of any other background investigation conducted with respect to the applicant; and

(c) Received and verified all applicable transcripts and any other supporting documents necessary for the Board to render a final decision on the application.

4. If the Board approves an application which includes a request for prioritization made pursuant to section 2 ***or 3*** of this regulation, the Board will issue the applicable license to the applicant not later than 45 business days after the business day immediately following the date on which the Board has completed the tasks described in paragraphs (a), (b) and (c) of subsection 3.

5. The Board will, using data, time stamps and other metrics maintained by the Board:

(a) Monitor the expediency of the Board in reviewing applications accompanied by requests for prioritization pursuant to ~~[section]~~ ***sections*** 2 ***and 3*** of this regulation from applicants who are eligible for such prioritization; and

(b) Ensure that the Board reviews and renders final decisions on applications described in paragraph (a) within the timeframes set forth in this section.

Sec. 6. 1. This section and sections 1, 2 and 4 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. Sections 3 and 5 of this regulation become effective on the later of:

(a) July 1, 2026; or

(b) The date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

Informational Statement Form – R035-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 633.

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

The proposed regulation is necessary to fully implement AB 483 which was enacted by the Nevada Legislature in the 2025 Legislative Session and SB 5 which was enacted by the Nevada Legislature in the 2025 Special Legislative Session to ensure that NAC 633 is amended to require the State Board of Osteopathic Medicine ("the Board"), to adopt regulations that establish a process for prioritizing the review of an application for initial licensure as a provider of health care submitted by an applicant who demonstrates that he or she will primarily practice health care in a historically underserved community. AB 483 requires the Board to allow an applicant to make such a demonstration by submitting a letter from an employer that is located in a historically underserved area that: (1) states that the applicant has accepted an offer of employment from the employer; and (2) contains certain other information. SB 5 of the 36th Special Session of the Nevada Legislature requires the Board to establish a procedure to prioritize the processing of applications for the initial issuance of a license to practice osteopathic medicine submitted by an applicant who intends to practice: (1) serving geographic areas and populations where the shortage of providers of health care is most critical, as determined by the Nevada Health Authority; or (2) in a specialty for which the need is most critical, as determined by the Authority.

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 Nevada State Board of Osteopathic Medicine's (the "Board") draft regulation and workshop notice were sent by email 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 Board, available at https://bom.nv.gov, and the website of the State of Nevada's Legislative Council Bureau ("LCB"), available at Legislative Counsel Bureau (state.nv.us).

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's draft of proposed regulations were sent by e-mail to the following organizations on February 6, 2026:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Mountain West Better Business Bureau (Northern Nevada)
- Reno / Sparks Chamber of Commerce
- City of Winnemucca

- Great Basin College
- Rural Nevada Development Corporation
- Nevada Small Business Development Center (at UNR)
- Churchill Fallon Economic Development
- Nevada State Medical Association
- Washoe County Medical Association
- Clark County Medical Society
- Nevada Academy of Physician Assistants

On March 25, 2026, the Board issued a Notice of Intent to Act Upon a Regulation, providing the proposed amendments/additions and inviting comments, questions and suggestions at an upcoming hearing of the Board on R035-26. As scheduled, a hearing was held with regard to the proposed amendments/additions to the regulations referenced herein on May 8, 2026 at 11:00 a.m, and the minutes of that meeting contain a summary of the discussion held regarding the proposed amendments. At this workshop, other than Board staff, one member of the public, Sabrina Petrel, was in attendance. No person asked to speak, nor were any public questions received. Board Executive Director, Frank DiMaggio ("DiMaggio") did provide background on the purpose and need for the proposed amendments/additions to NAC Chapter 633 into the record for the hearing, as the minutes for the hearing so reflect.

Other interested parties may obtain a copy of the summary of the public response by accessing e Minutes of the Public Hearing on R035-26 held on May 8, 2026, by accessing the website of the Board at:

https://www.bom.nv.gov/siteassets/content/meetings/hearingsandworkshops/may-8-2026-minutes-for-public-meeting-notice-for-regulation-hearing-r035-26.pdf

On June 9, 2026, an appropriately noticed public hearing in conjunction with a regular meeting of the Board wherein the Board voted unanimously to approve and adopt R035-26.

3. The number persons who:

(a) Attended each hearing: May 8, 2026: 1 (other than Board staff and counsel). March 4, 2026: (other than Board staff and counsel) 3.

(b) Testified at each hearing: May 8, 2026: 0 (other than Board staff and counsel). March 4, 2026: (other than Board members, staff and counsel) 0.

(c) Submitted to the agency written comments: No written comments were submitted to the agency.

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. March 4 and May 8, 2026: Sabrina Petrel, Cartwright NV Government Affairs, 111 W. Proctor St., Ste. 208, Carson City, NV 89703; 775-329-0119; sp@cartwrightnv.com.

May 8, 2026: Lea Cartwright, Cartwright NV Government Affairs, 111 W. Proctor St., Ste. 208, Carson City, NV 89703; lc@cartwrightnv.com; 775-329-0119; and Steve Messinger, Nevada Primary Care Association, 3264 Goni Rd., Ste. 152, Carson City, NV 89706; 775-887-0417; info@nvpca.org attended as set forth above in #3.

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. See 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. On June 9, 2026, an appropriately noticed public hearing in conjunction with a regular meeting of the Board wherein the Board voted unanimously to approve and adopt R035-26. The proposed regulation was adopted without change as it complies with the requirements of AB 483 which was enacted by the Nevada Legislature in the 2025 Legislative Session and SB 5 which was enacted by the Nevada Legislature in the 2025 Special Legislative Session and no public comment was given regarding the proposed regulation.

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) None.

(b) None.

See Small Business Impact Statement for R035-26, attached hereto.

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 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.

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

SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED AMENDMENTS TO NAC 633

Effective date of Regulation:

Upon filing with the Nevada Secretary of State

1. Background:

The proposed amendments (additions) to existing regulations in Nevada Administrative Code ("NAC") Chapter 633 are necessary to ensure compliance of the Nevada State Board of Osteopathic Medicine ("the "Board") with the requirements of newly passed Assembly Bill ("A.B.") 483, signed into law in June 2025, and newly passed Senate Bill ("S.B.") 5, signed into law during the 36th Special Session in November 2025. These draft amendments (additions) add provisions to NAC Chapter 633: requiring the Board to establish a process for prioritizing the review of an application for initial licensure if the applicant demonstrates that he or she will provide health care primarily in a historically underserved community; requiring the Board to establish a procedure for prioritizing osteopathic physician license applications of applicants who plan to serve underserved geographic areas or populations or practice a specialty for which there is a shortage in this State; requiring establishment of electronic systems to expedite the verification of credentials of providers of health care for the purposes of inclusion in insurance networks and serving on the staff of hospitals; and requiring certain reports to be submitted by the Board to the Governor and Legislature.

2. Description of Solicitation:

Copies of the Nevada State Board of Osteopathic Medicine's (the "Board") draft regulation and workshop notice were sent by U.S. Mail and/or 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 Board, available at https://bom.nv.gov, and the website of the State of Nevada's Legislative Council Bureau ("LCB"), available at Legislative Counsel Bureau (state.nv.us).

The Board solicited any potentially impacted businesses by reaching out to

various business chambers and associations. Copies of the Board's draft of proposed regulations were sent to the following organizations on February 6, 2026:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Mountain West Better Business Bureau (Northern Nevada)
- Reno / Sparks Chamber of Commerce
- City of Winnemucca
- Great Basin College
- Rural Nevada Development Corporation
- Nevada Small Business Development Center (at UNR)
- Churchill Fallon Economic Development
- Nevada State Medical Association
- Nevada Osteopathic Medical Association
- Washoe County Medical Society
- Clark County Medical Society
- Nevada Academy of Physician Assistants

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))

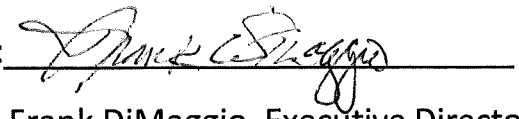
No, the proposed amendments (additions) to NAC 633 do not impose a direct and significant burden upon small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulation amendments (additions) have been created to implement the provisions of Assembly Bill ("A.B.") 483, passed in the 2025 Session of the Nevada Legislature and Senate Bill ("S.B.") 5, passed in the 36th Special Session of the Nevada Legislature.

4. How Was That Conclusion Reached?

This conclusion was reached after conducting a thorough review of A.B. 483, S.B. 5, and the proposed draft of the amendments (additions) to Chapter 633 of the Nevada Administrative Code. The Board will continue to solicit comment from affected businesses at its regulation workshop to be held

on March 4, 2026. The Board will update this Small Business Impact Statement should the Board receive more comment and input from affected businesses and individuals.

I, Frank DiMaggio, Executive Director of the Nevada State Board of Osteopathic Medicine certify that, to the best of my knowledge and belief, a concerted effort was made to determine the impact of the proposed amended regulations on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3)).

Dated: February 13, 2026 Signature: 

Frank DiMaggio, Executive Director

Nevada State Board of Osteopathic Medicine

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R038-26

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

AUTHORITY: § 1, NRS 453.146 and 639.070.

A REGULATION relating to controlled substances; revising the list of 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 certain synthetic opiates.

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-phenethylpiperdin-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;

Beta-methylacetyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide);

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-fluorofuranyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

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;

N-pyrrolidino metonitazene (some trade or other names: metonitazepyne or 2-(4-methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzo[d]imidazole, 2-hydroxy-1,2,3-propanetricarboxylate);

N-pyrrolidino protonitazene (some trade or other names: protonitazepyne or 5-nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzo[d]imidazole);

Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide;

Ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

Ortho-fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

Para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

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-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide);

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);

Tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-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);

Dipentylone (some trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)pentan-1-one and N,N-dimethylpentylone);

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.

R038-26
June 15, 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 adding N-pyrrolidino metonitazene and N-pyrrolidino protonitazene 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: 90
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 will add N-pyrrolidino metonitazene and N-pyrrolidino protonitazene to NAC 453.510, the controlled substances listed in Schedule I in Nevada, to conform with and duplicate the controlled substances listed in Schedule I of the federal Controlled Substances Act (CSA). The CSA places all substances which are in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. The Drug Enforcement Administration (DEA) issued a temporary order to schedule N-pyrrolidino metonitazene and N-pyrrolidino protonitazene in schedule I of the CSA. DEA based this action on a finding that placing these substances in schedule I is necessary to avoid imminent hazard to public safety. The temporary order was effective August 15, 2025, until August 15, 2027. On January 12, 2026, the DEA issued a final order effective on February 11, 2026, permanently placing N-pyrrolidino metonitazene and N-pyrrolidino protonitazene in schedule I of the CSA.

NRS 453.211 requires the Board to maintain a list of current schedules and NRS 453.2182 requires the Board, if a substance is designated, rescheduled or deleted as a controlled substance pursuant to federal law to similarly treat the substance pursuant to the provisions of NRS 453.011 to 453.552,

The purpose of the Uniform Controlled Substances Act is to align state-level regulation with the CSA to create a consistent, uniform structure for drug laws across different states that mirror federal legislation. Additionally, it ensures that state laws are consistent with federal law to prevent conflicts and ensure consistent enforcement. The proposed regulation is necessary to carry out the intent of the Uniform Controlled Substances Act and to ensure Nevada's Schedule I controlled substance list is in-line with the CSA so that enforcement as it relates to these drugs in Nevada is consistent with federal law.

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 regulation, which will add N-pyrrolidino metonitazene and Npyrrolidino protonitazene to NAC 453.510 to the controlled substances listed in Schedule I in Nevada, is not more stringent than the scheduling of these two drugs in the federal Controlled Substances Act.

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. R038-26

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 adding N-pyrrolidino metonitazene and N-pyrrolidino protonitazene 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 R038-26 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 proposed regulation will add N-pyrrolidino metonitazene and N-pyrrolidino protonitazene to NAC 453.510, the controlled substances listed in Schedule I in Nevada, to conform with and duplicate the controlled substances listed in Schedule I of the federal Controlled Substances Act (CSA). The CSA places all substances which arein some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. The Drug

Enforcement Administration (DEA) issued a temporary order to schedule two schedule N-pyrrolidino metonitazene and N-pyrrolidino protonitazene in schedule I of the CSA. DEA based this action on a finding that placing these substances in schedule I is necessary to avoid imminent hazard to public safety. The temporary order was effective August 15, 2025, until August 15, 2027. On January 12, 2026, the DEA issued a final order effective on February 11, 2026, permanently placing N-pyrrolidino metonitazene and N-pyrrolidino protonitazene in schedule I of the CSA.

NRS 453.211 requires the Board to maintain a list of current schedules and NRS 453.2182 requires the Board, if a substance is designated, rescheduled or deleted as a controlled substance pursuant to federal law to similarly treat the substance pursuant to the provisions of NRS 453.011 to 453.552,

The purpose of the Uniform Controlled Substances Act is to align state-level regulation with the CSA to create a consistent, uniform structure for drug laws across different states that mirror federal legislation. Additionally, it ensures that state laws are consistent with federal law to prevent conflicts and ensure consistent enforcement. The proposed regulation is necessary to carry out the intent of the Uniform Controlled Substances Act and to ensure Nevada's Schedule I controlled substance list is in-line with the CSA so that enforcement as it relates to these drugs in Nevada is consistent with federal law.

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

BOARD OF DENTAL EXAMINERS OF NEVADA

LCB File No. R040-26

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

AUTHORITY: §§ 1 and 3-7, NRS 631.190 and 631.34586; § 2, NRS 631.190, 631.34583 and 631.34586; §§ 8 and 9, NRS 631.190 and 631.285; §§ 10 and 11, NRS 631.190, 631.285 and 631.2851; § 12, NRS 631.190 and 631.342; § 13, NRS 631.190, 631.342, 631.34581 and 631.34586; § 14, NRS 631.190, 631.2851, 631.3105, 631.3124, 631.3125 and 631.3129.

A REGULATION relating to dentistry; defining the term "bona fide relationship" for certain purposes; prescribing various requirements governing the provision of services through teledentistry and the administration of immunizations by certain providers of dental care; prescribing conditions and requirements relating to collaboration between certain providers of health care through teledentistry; prohibiting a dental hygienist who holds a special endorsement to practice public health dental hygiene from providing services to a patient through teledentistry; requiring a written practice agreement between a dentist and certain dental therapists to include procedures for supervision through teledentistry; prescribing certain required contents of an application for a special endorsement to administer immunizations; prescribing requirements governing training and continuing education for providers of dental care who hold a special endorsement to administer immunizations; prescribing requirements governing the storage of immunizations and medication; requiring the submission of certain attestations with an application for the renewal or reinstatement of certain licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 147 (A.B. 147) of the 2023 Legislative Session enacted provisions to: (1) regulate the practice of teledentistry by dentists, dental hygienists and dental therapists; and (2) provide for the issuance of a special endorsement for a dentist, dental hygienist or dental therapist to administer immunizations. (Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3319) A.B. 147 requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry. (Section 13 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3325 (NRS 631.34586))

A.B. 147 requires a licensee of the Board to establish a bona fide relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. (Section 10 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3323 (NRS 631.34583)) **Section 2** of this regulation defines the term "bona fide relationship" for that purpose. **Section 3** of this regulation prescribes: (1) the services that a dentist is authorized to provide through teledentistry; and (2) the requirements governing the issuance of a prescription through teledentistry. **Section 3** also requires a dentist who provides services through teledentistry to maintain a list of dental providers to whom the dentist may refer a patient when in-person care is necessary.

A.B. 147 requires a licensee to obtain the informed verbal or written consent of a patient or the informed written consent of the parent or guardian of a patient, as applicable, before providing services through teledentistry. A.B. 147: (1) requires a licensee who is seeking such informed consent to provide certain information to the patient; and (2) authorizes the Board to prescribe by regulation additional information that the licensee is required to provide to the patient. (Section 10 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3323 (NRS 631.34583)) **Section 4** of this regulation requires a dentist who is seeking informed consent to the provision of services through teledentistry to provide to the patient: (1) his or her business contact information; and (2) certain information concerning the actions that will be taken in an emergency. Further, **section 4** authorizes such a dentist to provide to the patient certain information relating to the services that may be provided to the patient and a copy of the license issued to the licensee by the Board. **Section 4** also requires a dentist to obtain from a patient: (1) a signed acknowledgment that the patient received a notice of privacy practices required by federal law; and (2) certain information relating to the medical history of the patient and the manner in which the dentist will be compensated for the services.

Section 5 of this regulation prescribes the purposes for which a licensee may use teledentistry to collaborate with: (1) a physician, physician assistant or advanced practice registered nurse; or (2) a dentist who practices in a different specialty area. **Section 5** also prescribes certain requirements to ensure communication between multiple licensees who are providing care to the same patient through teledentistry.

Section 6 of this regulation prohibits a dental hygienist who holds a special endorsement to practice public health dental hygiene from providing services to a patient through teledentistry. However, **section 6** authorizes such a dental hygienist to consult with other providers of health care through teledentistry for certain purposes.

Existing law requires a dental therapist to enter into a written practice agreement with his or her authorizing dentist. Existing law prohibits a dental therapist from providing services outside the direct supervision of his or her authorizing dentist until he or she has obtained a certain number of hours of clinical practice as a dental therapist. (NRS 631.3122) **Section 7** of this regulation requires a written practice agreement between an authorizing dentist and a dental therapist who has not obtained those hours of clinical practice to contain certain provisions concerning supervision of the dental therapist through teledentistry.

A.B. 147 provides for the issuance of special endorsements to authorize a dentist, dental hygienist or dental therapist to administer immunizations. (Section 15 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3325 (NRS 631.285)) **Section 8** of this regulation

defines the term "special endorsement" to refer to such a special endorsement. **Section 9** of this regulation requires that an application for such a special endorsement include copies of certain policies, procedures and plans required by existing law relating to the administration of immunizations. (NRS 631.2851)

A.B. 147 requires an applicant for a special endorsement to administer immunizations to have completed a course of training in the administration of immunizations. (Section 15 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3325 (NRS 631.285)) **Section 9** requires that such a course completed by a dentist, dental therapist or dental hygienist include at least 20 hours of instruction.

Section 10 of this regulation requires a dentist who holds a special endorsement to administer immunizations and who administers immunizations, or authorizes a dental hygienist or dental therapist to administer immunizations, to adopt written policies and procedures for the storage of immunizations. **Section 14** of this regulation provides that the failure to ensure that each medication or immunization is returned to a safe, appropriate location at the end of each day constitutes unprofessional conduct for which a dentist, dental therapist, dental hygienist or expanded function dental assistant may be disciplined by the Board.

Section 11 of this regulation authorizes the holder of a special endorsement to administer only immunizations for influenza, COVID-19 and human papillomavirus. **Section 11** also requires the holder of a special endorsement to: (1) make a certain report for the administration of certain immunizations to a child, as applicable; and (2) maintain a log of each immunization that the holder administers. **Section 11** additionally requires a dentist who holds a special endorsement to ensure the availability and regular inspection of emergency equipment. **Section 11** clarifies that a dental hygienist or dental therapist is prohibited from issuing a standing order for the administration of an immunization.

A.B. 147 requires the holder of a special endorsement to administer immunizations to complete certain continuing education. (NRS 631.342, as amended by section 24 of Assembly Bill No. 147, chapter 513, Statutes of Nevada 2023, at page 3329) **Section 12** of this regulation prescribes additional requirements governing continuing education for a dentist, dental hygienist or dental therapist who holds such a special endorsement. **Section 13** of this regulation requires: (1) the holder of a special endorsement to administer immunizations who is requesting the renewal or reinstatement of his or her license to certify that he or she has completed the required continuing education; and (2) a dentist who provides services through teledentistry to certify that he or she possesses certain professional liability insurance required by A.B. 147. (NRS 631.34581)

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *1. Except as otherwise provided in subsections 2 and 3, for the purposes of NRS 631.34583, "bona fide relationship" means a relationship between a patient and a dentist where the dentist has:*

(a) Reviewed any available medical records of the patient, including, without limitation:

(1) Any relevant information concerning a current illness; and

(2) Any diagnostic or radiographic records obtained within the immediately preceding 6 months;

(b) Performed an in-person examination of the patient's oral cavity within the immediately preceding 6 months for the purposes of diagnosing, assessing or determining the current medical condition of the patient or reviewed the medical records of such an examination that was performed within the immediately preceding 6 months by another licensee; and

(c) A reasonable expectation that he or she will provide follow-up care and treatment to the patient.

2. In lieu of the examinations and the review of medical records described in paragraphs (a) and (b) of subsection 1, a dentist who is establishing a bona fide relationship with a patient through teledentistry under the circumstances authorized by subsection 1 of NRS 631.34583 may perform a consultation with:

(a) The patient or, if the patient is a minor, with the parent or guardian of the patient, in which the dentist reviews the dental history of the patient before the licensee examines or treats the patient; or

(b) A dental hygienist who holds a special endorsement to practice public health dental hygiene and who has performed an in-person examination of the patient in which the dental

hygienist reviews his or her findings from the in-person examination and the dental history of the patient with the dentist before the dentist examines or treats the patient.

3. Except as otherwise provided in this subsection, a bona fide relationship is not required to include the reasonable expectation of providing follow-up care and treatment to a patient as required by paragraph (c) of subsection 1 if the patient receives treatment in connection with a public health program. A bona fide relationship is required to include the reasonable expectation of providing follow-up care and treatment to a patient who receives treatment in connection with a public health program if the public health program or any licensee who provides care to the patient bills for a comprehensive or periodic examination provided to the patient.

Sec. 3. *1. Subject to the provisions of subsection 3, a dentist may provide only the following services through teledentistry:*

(a) Consultation and recommending treatment.

(b) Issuing a prescription that he or she deems necessary to treat an emergent need of the patient.

(c) Providing a limited diagnosis based on information provided by the patient during a visit conducted through teledentistry.

(d) Determining the need for orthodontic corrections to address identifiable problems relating to the malposition of teeth, provided that the determination of the need for such orthodontic appliance is confirmed through an in-person visit before the patient begins using the orthodontic appliance.

(e) Remotely monitoring the correction of the position of teeth using orthodontic appliances.

2. A dentist who provides services through teledentistry shall maintain a list of licensees to whom the dentist may refer a patient to receive services in person when necessary in accordance with subsection 2 of NRS 631.34585.

3. A dentist shall not provide a service through teledentistry if the dentist is not authorized to provide that service in person.

4. A dentist who issues a prescription through teledentistry shall:

(a) Comply with the relevant provisions of chapter 639 of NAC; and

(b) Transmit the prescription by telephone or electronic transmission to the pharmacy designated by the patient.

Sec. 4. *1. In addition to the information required by NRS 631.34583, a dentist who is seeking informed consent pursuant to NRS 631.34583:*

(a) Must provide to the patient or his or her parent or guardian, as applicable:

(1) The business contact information of the dentist and any other dentist providing services to the patient through teledentistry, which must include, without limitation:

(I) The electronic mail address and telephone number of the dentist and the physical address of the office at which the dentist practices, if any; and

(II) Information that may be used to contact the dentist in an emergency; and

(2) The actions that the dentist will take in an emergency, including, without limitation, the contact information for the medical facility to be used in the event of a medical emergency.

(b) May provide to the patient or his or her parent or guardian, as applicable:

(1) A list of the services that the patient may receive through teledentistry and the cost of each service;

(2) A list of the services that the patient may receive through follow-up care and treatment and the cost of each service; and

(3) For the purposes of complying with the requirement to provide the patient or his or her parent or guardian, as applicable, with the license number of a dentist as required by subsection 3 of NRS 631.34583, a copy of the license issued to the dentist by the Board.

2. Before providing services to a patient through teledentistry, a dentist shall obtain from the patient:

(a) A signed acknowledgment that the patient received the notice of privacy practices required by 45 C.F.R. § 164.520;

(b) The relevant medical history of the patient; and

(c) If applicable:

(1) Information concerning the policy of insurance covering the patient; and

(2) A financial agreement for the compensation of the dentist.

3. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 5. *1. A licensee may use teledentistry to collaborate with a physician, physician assistant or advanced practice registered nurse, or the designees thereof, for the purposes of:*

(a) Obtaining the relevant medical history of a patient; or

(b) Collaborating on the care of a patient.

2. A licensee may use teledentistry to collaborate with a licensee who does not practice in the same specialty area for the purpose of:

(a) Obtaining the relevant medical history of a patient;

(b) Collaborating on the care of a patient; or

(c) Developing a plan for the treatment of a patient.

3. When more than one licensee provides care to the same patient, any dentist who provides care to the patient through teledentistry shall:

(a) Obtain from the patient, to the extent that the patient is willing to provide such information, the names and contact information of the other licensee providing care to the patient; and

(b) If the patient provides information to the dentist pursuant to paragraph (a):

(1) Communicate with the other licensees concerning the relevant medical history and care of the patient; and

(2) Provide all relevant information and recommendations concerning the care of the patient to the other licensees.

Sec. 6. *1. A dental hygienist who holds a special endorsement to practice public health dental hygiene shall not provide services to a patient through teledentistry.*

2. A dental hygienist who holds a special endorsement to practice public health dental hygiene may use teledentistry for the purposes set forth in section 5 of this regulation or to consult with a dentist:

(a) Before providing in-person services to a patient; or

(b) When the patient requires treatment that exceeds the scope of practice of the dental hygienist.

Sec. 7. *In addition to the requirements of NRS 631.3123, the written practice agreement required by NRS 631.3122 between an authorizing dentist and a dental therapist who has not completed the hours of clinical practice under the direct supervision of an authorizing dentist required by subsection 1 of NRS 631.3122 must include, without limitation:*

1. Procedures for the supervision of the dental therapist through teledentistry; or

2. A statement that all supervision of the dental therapist will occur in person.

Sec. 8. *As used in sections 9 to 12, inclusive, of this regulation, unless the context otherwise requires, "special endorsement" means a special endorsement to administer immunizations issued pursuant to NRS 631.285.*

Sec. 9. *1. An application for a special endorsement must include, without limitation, copies of:*

(a) The written policies and procedures for the handling and disposal of used or contaminated equipment required by paragraph (b) of subsection 1 of NRS 631.2851;

(b) The written plan for addressing emergencies required by paragraph (c) of subsection 1 of NRS 631.2851; and

(c) A written plan for complying with the reporting requirements of NRS 439.265 and any regulations adopted pursuant thereto.

2. A course of training in the administration of immunizations completed by a dentist, dental therapist or dental hygienist to satisfy the requirements of NRS 631.285 must include at least 20 hours of instruction.

Sec. 10. *1. In addition to complying with the requirements of NRS 631.2851, a dentist who holds a special endorsement and who administers immunizations, or under whose authorization a dental hygienist or dental therapist who holds such a special endorsement administers immunizations, shall adopt written policies and procedures for the storage of immunizations.*

2. The written policies, procedures and plans adopted pursuant to this section and NRS 631.2851 must comply with all applicable provisions of chapter 639 of NAC.

Sec. 11. *1. A dentist, dental hygienist or dental therapist who holds a special endorsement may administer immunizations for influenza, COVID-19 and human papillomavirus.*

2. A dentist, dental hygienist or dental therapist who holds a special endorsement shall:

(a) Make the report required by NRS 439.265 and comply with any regulations adopted pursuant thereto.

(b) Maintain and update at least monthly a log of each immunization administered by the dentist, dental hygienist or dental therapist, as applicable.

3. A dentist who holds a special endorsement and who administers immunizations, or under whose authorization a dental hygienist or dental therapist who holds a special endorsement administers immunizations, shall ensure that the equipment that may be needed in an emergency is:

(a) Present at the physical location where an immunization is administered and immediately accessible, as required by paragraph (c) of subsection 1 of NRS 631.2851; and

(b) Inspected at least quarterly to ensure that the equipment remains functional.

4. A dental hygienist or a dental therapist may not issue or obtain a standing order for the administration of an immunization.

5. As used in this section, "COVID-19" means:

(a) The novel coronavirus identified as SARS-CoV-2;

(b) Any mutation of the novel coronavirus identified as SARS-CoV-2; or

(c) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

Sec. 12. ***1. A dentist, dental hygienist or dental therapist who holds a special endorsement must complete at least 2 hours of continuing education each biennium on the role of immunizations in public health emergencies.***

2. The continuing education completed pursuant to subsection 1 may be used to satisfy the requirements of subsection 6 of NRS 631.342.

Sec. 13. NAC 631.177 is hereby amended to read as follows:

631.177 1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary

resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dentist

(b) Dental therapist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 18 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dental Therapist

(c) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dental Hygienist

(d) Dentist, dental therapist or dental hygienist shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

(e) Dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to NRS 631.285 shall submit a signed, written statement in substantially the following language for each biennium since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained the continuing education required by subsection 6 of NRS 631.342 and section 12 of this regulation during the period July 1, ..., through and including June 30, ...

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dentist, Dental Hygienist or Dental Therapist

(f) Dentist who provides dental services through teledentistry shall attest that he or she possesses the policy of professional liability insurance required by NRS 631.34581.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist, dental therapist or dental hygienist at an approved course in continuing education must be retained by the dentist, dental therapist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist, dental therapist or dental hygienist and must include at least the following information:

(a) The name and location of the course;

(b) The date of attendance;

(c) The name, address and telephone number of its instructor;

(d) A synopsis of its contents; and

(e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The second or subsequent failure of a dentist, dental therapist or dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random initial audits of dentists, dental therapists or dental hygienists and additional follow-up audits, as necessary, to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.

Sec. 14. NAC 631.230 is hereby amended to read as follows:

631.230 1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

(a) The falsification of records of health care or medical records.

(b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.

(c) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.

(d) The failure to report to the Board as required in NAC 631.155.

(e) Employing any person in violation of NAC 631.260 or failing to make the attestation required by that section.

(f) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or moderate sedation to be physically present while a patient is under general anesthesia, deep sedation or moderate sedation.

(g) Administering moderate sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer moderate sedation.

(h) Administering general anesthesia or deep sedation to more than one patient at a time.

(i) The failure to have any patient who is undergoing general anesthesia, deep sedation or moderate sedation monitored with a pulse oximeter or similar equipment required by the Board.

(j) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or moderate sedation.

(k) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or moderate sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.

(l) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or moderate sedation.

(m) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or moderate sedation was administered. The report must be made within 30 days after the event.

(n) Allowing a person to administer general anesthesia, deep sedation or moderate sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the

anesthesia or sedation is administered in a facility for which a permit is held as required by NRS 449.442.

(o) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist, dental therapist, dental hygienist or expanded function dental assistant from the obligation to provide records of the patient to the Board.

(p) The failure of a dentist who owns a dental practice to verify the license of a dentist, dental therapist, dental hygienist or expanded function dental assistant before offering employment or contracting for services with the dentist, dental therapist, dental hygienist or expanded function dental assistant as an independent contractor. This paragraph must not be construed to provide that it is unprofessional conduct for a dentist who owns a dental practice to offer employment to, or enter into a contract for services with, a dentist, dental therapist, dental hygienist or expanded function dental assistant who fraudulently misrepresents that he or she is appropriately licensed.

(q) The failure to record the name of the dentist, dental therapist, dental hygienist or expanded function dental assistant who provided the services in the records of a patient each time the services are rendered.

(r) The failure of a dentist who is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS to conduct annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

(s) The failure to provide records of a patient to an investigator when required by NAC 631.250.

(t) The failure of a dentist, dental therapist, dental hygienist or expanded function dental assistant to ensure that each medication or immunization in his or her control that is used in his or her practice is returned at the end of each day to a specified physical location that is safe and appropriate for the storage of the medication or immunization, as applicable.

2. Conduct relating solely to a dispute over finances does not constitute unprofessional conduct.

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 631

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

On June 16, 2023, AB 147, authorizing the practice of teledentistry and providing for the issuance of a special endorsement to dental providers to administer immunizations, was enacted by the Governor. The text of AB 147 (now codified at NRS 631.34586) requires the Board to enact regulations governing the provision of dental care via teledentistry (inclusive of regulations related to prescription issuance via teledentistry, records maintenance for teledentistry patients, provider collaboration practices, and patient safety practices for teledentistry).

The attached regulation is the result of this statutory edict. It is needed so the NSBDE can be in statutory compliance.

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.

How Public Comment was Solicited

On February 13, 2024, a Public Workshop was held related to the teledentistry and immunization regulations (then under LCB File No. R056-24); public comment was solicited.

On February 27, 2024, the Legislative, Legal & Dental Practice (LLDP) Committee met at a public meeting to discuss the workshop comments and to craft a requested regulation proposal; public comment was solicited.

On or about March 28, 2024, the NSBDE requested assistance from the Legislative Counsel Bureaus (LCB) in crafting regulations. Thereafter, on or about July 15, 2024, the NSBDE issued a Notice of Intent to Act Upon a Regulation, which was published to libraries and required repositories across the state; public comment was solicited.

On August 14, 2024, at a public Board meeting, the regulation was discussed under an agenda item for the Notice of Intent to Act Upon a Regulation; public comment was solicited. The result of the discussion was that edits needed to me made to the proposed language and sent back to LCB for incorporation.

On June 11, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. It was felt the language related to a bona fide relationship was unclear; the matter was tabled for research on AB 147 intent and for new legal counsel to weigh in.

On July 9, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. Based on public comment and the Executive Director's research, it was felt that new general counsel should send further edits to LCB for incorporation.

On October 15, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. General Counsel noted the NSBDE was working for LCB on edits.

On November 12, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. The newest version of LCB-drafted regulations was presented and discussed. The matter was tabled by the Board for us to have a discussion with LCB about why we are making the requests or specific language.

On December 11, 2025, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. New edits after the Executive Director and General Counsel spoke with the LCB were presented to the Board. The Board requested additional edits be sent to the LCB.

On February 25, 2026, the Board revisited the teledentistry and immunization regulations at a public Board meeting; public comment was solicited. After it was explained that the LCB felt any further changes risk statutory non-compliance, the Board approved and adopted the regulation.

After being informed by LCB that the two-year lifespan of the related file number was expiring, and the Board subsequently obtained a new file number for the teledentistry and immunization regulations, the Board revisited the teledentistry and immunization regulations at a public Board meeting on March 25, 2026, solely for the purpose of being informed of the new regulation number and re-voting on approval. Public comment was solicited.

A Summary of the Public Response

At the initial workshop, the three comments focused on balancing the need for patient safety protections with access to care. The primary concerns noted were that the regulation should give clinical deference to the dentists, the regulation needed to require a relationship between the patient and dentist before the teledentistry, and that the regulation needed safeguards to ensure consistency of teledentistry dental care.

At the LLDP Committee meeting, several commenters reiterated the need for a bona fide relationship existing prior to teledentistry, stating that patient safety required an in-persons examination such that teledentistry should be reserved for follow-up care. However, several orthodontics companies and orthodontist groups wanted clarity on the need for a bona fide relationship in orthodontia, since a prominent orthodontics business model relates to the use of teledentistry to create temporary and disposable retainers that gradually correct teeth positioning, and any regulation we impose might interfere with interstate commerce and that business model. Meanwhile, other orthodontics groups and individual orthodontists disagreed with this model and

felt proper patient care required in-person radiographs, which cannot be accomplished via teledentistry.

At the June 2025 Board meeting, after a draft came back from the LCB following first requested edits, some commentors felt the proposed language requiring an in-office visit prior to teledentistry was too restrictive and limited access to care; instead, they argued that we should adopt the Virginia definition, which allows a patent relationship to be established virtually. Other commentors did not necessarily have a qualm with the requirement of an in-person exam prior to teledentistry but did think there should be an exception made for emergency care needs. Another commentor thought the requirements placed on dental providers using teledentistry was unfair because in-person dentists did not have to meet the same requirements.

Commentors at the July 2025 Board meeting largely reiterated comments from the prior meeting that the legislative intent was for the bona fide relationship requirements not to stymie access to emergency tele-dental care.

After changes were made to the draft, comments at the November 2025 Board meeting focused on needing to make sure the bon fide relationship requirement did not affect access to orthodontic treatment, while still protecting patient safety of orthodontic patients such that out-of-state fly-by-night mail-order retainer services could not harm patients they have never treated. The need for an emergent care exception was reiterated, and there was support for the addition of an emergent care exception to the edit. Comments were also made regarding the immunization program, with a suggestion to add references to WebIZ.

Further changes were made before the December 2025 Board meeting; all comments there were written. The crux of comments from the orthodontics industry was that they were satisfied with the protections for orthodontic treatment access as edited. Another commentor still thought requiring a bon-fide relationship between a dentist and patient was too strict.

Finally, at the February 2026 Board meeting when the regulations were voted as approved, there was no oral comment, and the one written comment was more so questions about how the regulation would be implemented.

Additionally, 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 of industrial development bonds as well as any persons who had specifically requested such notice. These documents were also made available at the website of the NSBDE at https://dental.nv.gov/. Further, the Notice of Intent to Act on a Regulation was posted on or about July 15, 2024, at the following locations:
1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
2) Legislative Counsel Bureau - www.leg.state.nv.us
3) State Library and Archives - www.nsla.nv.gov
4) Green Valley Library, 2797 N. Green Valley Parkway, Henderson, Nevada 89014

Explanation of How Other Interested Persons May Obtain a Copy of the Summary

A copy of the summary of the public response to the proposed regulation may be obtained from the NSBDE in person at 2651 N. Green Valley Pkwy., Henderson, Nevada 89014 or via email to nsbde@dental.nv.gov.

3. The number persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written comments:

The following number of persons submitted live oral public comment (the BSBDE takes public comment twice each meeting in lieu of accepting testimony) at each identified hearing as follows: (Note, the NSBDE does not take attendance of number of persons generally who attend hearings.)

02/13/2024 Public Workshop: 3 (Byte, an orthodontics company; Tri Strategies Lobbyists, Nevada Dental Association (NDA))
02/27/2024 LLDP Committee Meeting: 8 (NDA, Dr. R. Dragon, American Association of Orthodontists, Tri Strategies Lobbyists, Pacific Coast Society of Orthodontists, Dr. J. Griffiths, Nevada State Orthodontic Society, Dr. M. Candleman)
08/14/2024 Board Meeting: 0
06/11/2025 Board Meeting: 2 (A. Erenbaum, T. Chandler)

07/09/2025 Board Meeting: 2 (A. Erenbaum, American Association of Orthodontists)
10/15/2025 Board Meeting: 0
11/12/2025 Board Meeting: 3 (American Association of Orthodontists, A. Erenbaum, Dr. J. Griffiths)
12/11/2025 Board Meeting: 0
02/25/2026 Board Meeting: 0
03/25/2026 Board Meeting: 0

The following number of persons submitted written public comments for consideration at each identified hearing as follows:

02/13/2024 Public Workshop: 0
02/27/2024 LLDP Committee Meeting: 2 (Byte, an orthodontics company; the Nevada Dental Hygienists Association)
08/14/2024 Board Meeting: 0
06/11/2025 Board Meeting: 4 (Delta Dental, National Association of Dental Plans, DialCare, ATA Action)
07/09/2025 Board Meeting: 0
10/15/2025 Board Meeting: 0
11/12/2025 Board Meeting: 2 (A. Chen, L. Helzer)
12/11/2025 Board Meeting: 4 (American Association of Orthodontists x 2 persons), A. Erenbaum, ATA Action)
02/25/2026 Board Meeting: 1 (ATA Action)
03/25/2026 Board Meeting: 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.

(Note, the NSBDE does not require or request telephone numbers, addresses, email addresses, or names of associated business entities from public commenters; thus, it will not be possible to set forth information complying with NRS 233B.066(1)(c) in every case. However, the following persons, identified as licensees for whom the NSDBE does have licensing information, are noted; we have also included what contact information was provided in the written public comments:

ATA Action
c/o Kyle Zebley
www.ataaction.org

Delta Dental
c/o Jefrey Album
deltadentalins.com

DialCare
c/o Stewart Sweda
7400 Gaylord Pkwy.
Frisco, TX 75034
www.dialcare.com

American Association of Orthodontists
c/o Dan Ta
dta@aaortho.org

Lily Helzer
Nevada Cancer Coalition
lily@nevadacancercoalition.org

Richard Dragon DMD
1234 Waterloo Ln
Gardnerville, NV, 89410
(775) 782-9755
rick@dragondental.org

Alice Chen DMD
1 Breakthrough Way
Suite #3218
Las Vegas, NV, 89135
(702) 242-2436
alpchen@gmail.com

John Griffiths DDS
8710 W. Charleston Blvd.
Suite #150
Las Vegas, NV, 89117
(702) 256-7846
jcgortho@aol.com

Mary (Terri) Chandler RDH
3339 E. University Ave
Las Vegas, NV, 89121
(702) 521-4550
futuresmiles@centurylink.net

Allen Erenbaum
Erenbaum Legal Strategies
310-621-2043
allen@erenbaum.com

Nevada Dental Assoc.
600 E. William St.,
Ste. # 202
Carson City, NV 89701
702-255-4211
www. nvda.org

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.

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 not adopted without changes; as noted above, the draft went through several edit iterations through the LCB.

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:

Both adverse and beneficial effects

The agency has concluded that the proposed regulations will not impose a direct and significant economic burden upon small businesses, not any more so than the statute that allowed for the use of teledentistry. Those providers who wanted to offer teledentistry can if they choose, accepted an economic burden to obtain technology to do so, but the statute nor the regulation require dentists to use teledentistry, such that those who do not want to shoulder any economic burden do not have to do so. The regulation merely requires a provider to either already have or to establish a bona fide dentist-patient relationship prior or contemporaneous to the teledental visit. At most, there may be an economic impact of very large national dental or orthodontic conglomerates who otherwise would seek to offer tooth alignment correction of other dental services, since they could not do so, and thus lose business, unless they satisfy the requirements of creating a bona fide dentist-patient relationship.

Both immediate and long-term effects

For the reasons stated in #6a above, the proposed regulations will only have immediate and long-term effects related to patient safety, since the goal of the regulation is to establish requirements for being able to treat a patient via teledentistry for those dentists that want to offer this service, but not requiring all dentists to use teledentistry. The only perceptible long or short term effect on very large national dental or orthodontic conglomerates who otherwise would seek to offer tooth alignment correction of other dental services is that will not be able to do so, and thus might lose business, unless they are willing to meet Nevada's patient safety requirements.

8. The estimated cost to the agency for enforcement of the adopted regulations.

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 regulation duplicates or overlaps.

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.

Nevada State Board of Dental Examiners

2651 N. Green Valley Pkwy, Ste. 104 • Henderson, NV 89014 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

Statement of Impact on Small Businesses
(Pursuant to NRS 233B.0608)
LCB NO: RO56-24 - Teledentistry

(A procedural history note – This regulation originated in 2024 under LCB File No. R056-24; thus, earlier submissions were associated with that case number. That LCB File No. was nearing its two-year lifespan; thus, the NSBDE requested and was granted a new File No., which is R040-26.)

Agency:

Nevada State Board of Dental Examiners

Chapter Number:

Nevada Administrative Code Chapter 631

Regulation Number(s):

Sections 1-11 (new – created in response to Ab147 (2023); Section 12 NAC 631.177

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

The NSBDE posted proposed changes to NAC 631 on the NSBDE's website for the public and small business to review and comment and held multiple public hearings as well as a public hearing on the intent to adopt regulations (see Informational Statement.)

In addition to written public comments submitted for reading during any of the NSBDE's open meetings, interested persons were invited to submit Statements of Impact to: Executive Director, Nevada State Board of Dental Examiners, 2651 N Green Valley Pkwy, Ste 104, Henderson, NV 89014; email nsbde@dental.nv.gov; or fax (702) 486-7046.

(b) Method used to determine the impact on small businesses.

Public notices of the workshop and of upcoming hearings were posted as required by Open Meeting Law (NRS 241) and the Administrative Procedure Act (NRS 233B). Mailings of said notices were also sent, upon request, to any interested parties, including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the NSBDE, http://www.dental.nv.gov. Comments were recorded at each meeting, if offered, and are available for inspection at the NSBDE office and upon request.

The comments from the public meetings and any Statements of Impact sent directly to the NSBDE were taken into consideration when drafting the economic effect/estimated cost statement that will be included in the Public Notice of Hearing and Intent To Act Upon Regulations, which was posted, pursuant to NRS 233B.060, no less than thirty (30) days prior to the hearing. The NSBDE determined that the proposed regulations would not impose a direct and significant economic burden upon a small business.

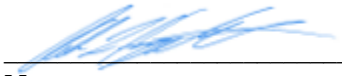
At the workshop on February 13, 2024, of the three comments received, none were relevant to financial impact. At the hearing on the Notice of Intent to Act Upon a Regulation on August 14, 2024, there were no public or small business comments.

Based on the input received, the NSBDE determined that the proposed regulations would not have an adverse economic effect on small business as said proposed regulations would simply regulate the now allowed practice of teledentistry. Therefore, the NSBDE concluded that the proposed regulations would not impose a direct and significant economic burden upon a small business.

AGENDA POSTING LOCATIONS

Office of the N.S.B.D.E., 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014
Nevada State Board of Dental Examiners website: http://www.dental.nv.gov
Nevada Public Posting Website: http://www.notice.nv.gov

I, Adam Higginbotham, Executive Director for the Nevada State Board of Dental Examiners, to the best of my knowledge or belief, certified 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.



_____
Name
Executive Director

ADOPTED REGULATION OF THE

BOARD OF DENTAL EXAMINERS OF NEVADA

LCB File No. R041-26

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

AUTHORITY: §§ 1, 10 and 20, NRS 631.190; § 2, NRS 631.190 and 631.3129; § 3, NRS 631.190 and 631.31286; § 4, NRS 631.190 and 631.31287; § 5, NRS 631.190 and 631.31288; § 6, NRS 631.190 and 631.288; §7, NRS 631.190 and 631.287; § 8, NRS 631.190, 631.220 and 631.345; § 9, NRS 631.190, 631.220 and 631.31285; § 11, NRS 631.190 and 631.260; §§ 12 and 13, NRS 631.190 and 631.240; § 14, NRS 631.190 and 631.3121; §§ 15 and 16, NRS 631.190 and 631.342; § 17, NRS 631.190, 631.330, 631.335 and 631.342; § 18, NRS 631.190 and 631.385; § 19, NRS 631.190 and 631.215.

A REGULATION relating to oral health; interpreting certain terminology; prescribing certain requirements for licensure as an expanded function dental assistant and the issuance of a special endorsement to practice restorative dental hygiene; establishing certain requirements for the supervision of dental assistants and expanded function dental assistants; establishing the fees for licensure as an expanded function dental assistant; removing references to examinations administered by a certain organization; requiring certain information to be included in an application for a license to practice as an expanded function dental assistant; establishing requirements governing continuing education for expanded function dental assistants; subjecting an expanded function dental hygienist to certain provisions applicable to other dental professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Senate Bill No. 310 (S.B. 310) of the 82nd Legislative Session provided for the licensure and regulation of expanded function dental assistants. (Senate Bill No. 310, chapter 523, Statutes of Nevada 2023, at page 3403) S.B. 310 also authorized dental hygienists to receive special endorsements to perform additional tasks relating to restorative dental hygiene. (NRS 631.288, 631.3129)

Existing law authorizes an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to use an ultrasonic scaling unit for the removal of bonding agents, but does not authorize such a person to use an ultrasonic scaling unit on a natural tooth. (NRS 631.3129) For the purposes of those provisions, **section 2** of this regulation interprets: (1) "using an ultrasonic scaling unit only for the removal of bonding agents" to mean using an ultrasonic scaling unit for the purpose of orthodontic care; and (2) "use

an ultrasonic scaling unit on any natural tooth" to mean using an ultrasonic scaling unit for the purpose of dental cleaning.

Existing law requires an applicant for a license as an expanded function dental assistant to provide proof that he or she passed a written clinical examination given by the Board. (NRS 631.31286) **Section 3** of this regulation prescribes the written and clinical examinations that such an applicant must pass to satisfy that requirement.

Existing law requires an applicant for a license by endorsement as an expanded function dental assistant to complete any training the Board deems necessary to ensure the competence of the applicant. (NRS 631.31287) **Section 4** of this regulation requires such an applicant to provide proof to the Board that he or she has: (1) passed certain examinations; or (2) successfully completed a course on restorative dental assisting that is approved by the Board. **Section 5** of this regulation: (1) prohibits a dentist from supervising more than two expanded function dental assistants at one time; and (2) requires a dentist to develop and implement written protocols for expanded function dental assistants to follow in the event of a medical emergency.

Existing law requires an applicant for a special endorsement to practice restorative dental hygiene to complete a course on restorative dental hygiene. (NRS 631.288) **Section 6** of this regulation requires that such a course be: (1) offered by an organization accredited by the Commission on Dental Accreditation; or (2) approved by the Board.

Existing law and regulations require an applicant for certain licenses to have passed a clinical examination approved by the American Board of Dental Examiners or a clinical examination administered by the Western Regional Examining Board. (NRS 631.240, 631.3121; NAC 631.090, 631.143) **Sections 8, 12, 13 and 14** of this regulation remove references to the Western Regional Examining Board from existing regulations because the Western Regional Examining Board has been merged into the American Board of Dental Examiners.

Existing law authorizes a dental assistant or expanded function dental assistant to perform certain tasks under the direct supervision of a dental hygienist with a special endorsement to practice public health dental hygiene. (NRS 631.287) **Section 7** of this regulation requires a supervising dental hygienist to enter into a written practice agreement with a dental assistant or expanded function dental assistant before authorizing the dental assistant or expanded function dental assistant to perform any such tasks.

Existing law requires the Board to establish and collect certain fees relating to licensure as an expanded function dental assistant. (NRS 631.190, 631.345) **Section 8** of this regulation establishes the fees to apply for, renew or reinstate a license as an expanded function dental assistant. **Section 9** of this regulation requires an application for licensure as an expanded function dental assistant to include contents similar to other applications for licensure submitted to the Board. **Section 11** of this regulation authorizes the Executive Director or Secretary-Treasurer of the Board to reject an application for licensure as an expanded function dental assistant under the same conditions as those under which the Board may reject other applications for licensure. **Sections 10 and 18-20** of this regulation make conforming changes to treat expanded function dental assistants similarly to dental hygienists for various purposes, including unprofessional conduct and obtaining a determination or an advisory opinion from the Board.

Existing law requires the Board to adopt regulations governing continuing education for expanded function dental assistants. (NRS 631.342) **Sections 15 and 16** of this regulation require an expanded function dental assistant to complete at least 12 hours of continuing education annually or at least 24 hours of continuing education biennially, depending on the type of license the assistant holds. **Section 16** requires such continuing education to include

instruction in certain subjects. **Section 15** also: (1) requires an expanded function dental assistant to maintain certification in administering cardiopulmonary resuscitation or another medically acceptable means of basic life support; and (2) authorizes an expanded function dental assistant to receive credit for continuing education in the same manner as dental hygienists. **Section 17** of this regulation requires an expanded function dental assistant to submit a signed, written statement concerning completion of the required continuing education in the same manner as dentists and dental hygienists.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. ***For the purpose of NRS 631.3129, the Board will interpret:***

1. "Use an ultrasonic scaling unit on any natural tooth" to mean using an ultrasonic scaling unit for the purpose of dental cleaning.

2. "Using an ultrasonic scaling unit only for the removal of bonding agents" to mean using an ultrasonic scaling unit for the purpose of orthodontic care.

Sec. 3. ***In order to fulfill the requirements of subsection 3 of NRS 631.31286 to pass a written clinical examination, an applicant for a license to practice as an expanded function dental assistant must pass:***

1. The written and clinical examination offered by the American Board of Dental Examiners, or its successor organization, for expanded function dental auxiliary; or

2. All of the written examinations offered by the Dental Assisting National Board, or its successor organization, for certification as a Certified Preventive Functions Dental Assistant and a Certified Restorative Functions Dental Assistant.

Sec. 4. ***1. In addition to the requirements of subsection 1 of NRS 631.31287, an applicant for licensure by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:***

(a) Has passed all of the written examinations offered by the Dental Assisting National Board, or its successor organization, for certification as a Certified Preventive Functions Dental Assistant and a Certified Restorative Functions Dental Assistant; or

(b) Has successfully completed a course on restorative dental assisting that is approved by the Board pursuant to subsection 2.

2. The Board will approve a course on restorative dental assisting for the purposes of paragraph (b) of subsection 1 if the course is substantially similar in rigor and educational quality to a course on restorative dental assisting offered by the Dental Assisting National Board, or its successor organization. The Board will publish on an Internet website of the Board such courses that the Board has approved.

Sec. 5. *1. A dentist may supervise not more than two expanded function dental assistants at one time.*

2. A dentist who supervises an expanded function dental assistant shall develop and implement written protocols for the expanded function dental assistant to follow if a medical emergency occurs.

Sec. 6. *1. A course on restorative dental hygiene completed to satisfy the requirements of subsection 2 of NRS 631.288 must be:*

(a) Offered by an accredited organization; or

(b) Approved by the Board pursuant to subsection 2.

2. The Board will approve a course on restorative dental hygiene for the purposes of paragraph (b) of subsection 1 if the course is substantially similar in rigor and educational quality to a course on restorative dental hygiene offered by an accredited organization. The

Board will publish on an Internet website of the Board such courses that the Board has approved.

Sec. 7. *1. Before a dental hygienist who holds a special endorsement to practice public health dental hygiene issued pursuant to NRS 631.287 may authorize a dental assistant or expanded function dental assistant to perform tasks specified in subsection 3 of NRS 631.287 under his or her direct supervision, the supervising dental hygienist and the dental assistant or expanded function dental assistant, as applicable, must enter into a signed written practice agreement prescribing the tasks specified in subsection 3 of NRS 631.287 which the dental assistant or expanded function dental assistant is authorized to perform.*

2. A dental assistant or expanded function dental assistant practicing under the supervision of a dental hygienist with a special endorsement to practice public health dental hygiene may perform a task specified in subsection 3 of NRS 631.287 only:

(a) If the dental assistant or expanded function dental assistant, as applicable, is authorized to do so pursuant to the written practice agreement entered into pursuant to subsection 1; and

(b) In accordance with any limitations or procedures set forth in the written practice agreement.

Sec. 8. NAC 631.029 is hereby amended to read as follows:

631.029 The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed ~~[a clinical examination administered by the Western Regional Examining Board or]~~ a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....$1,200

Application fee for an initial license to practice dental therapy or dental hygiene 600

Application fee for an initial license to practice expanded function dental assistance 125

Application fee for a specialty license by credential.....1,200

Application fee for a temporary restricted geographical license to practice dentistry 600

Application fee for a temporary restricted geographical license to practice dental therapy or dental hygiene 150

Application fee for a temporary restricted geographical license to practice expanded function dental assistance 125

Application fee for a specialist's license to practice dentistry 125

Application fee for a limited license or restricted license to practice dentistry, dental therapy or dental hygiene.....125

Application fee for a limited license to practice expanded function dental assistance 75

Application and examination fee for a permit to administer general anesthesia, moderate sedation or deep sedation.....750

Application and examination fee for a site permit to administer general anesthesia, moderate sedation or deep sedation 500

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, moderate sedation or deep sedation.....500

Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines 250

Fee for a second or subsequent inspection of a facility required by the Board to ensure compliance with infection control guidelines 150

Biennial renewal fee for a permit to administer general anesthesia, moderate sedation or deep sedation.....200

Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, moderate sedation or deep sedation.....350

Biennial license renewal fee for a general license or specialist's license to practice dentistry 600

Biennial license renewal fee for a restricted geographical license to practice dentistry 600

Biennial license renewal fee for a restricted geographical license to practice dental therapy or dental hygiene.....300

Biennial license renewal fee for a restricted geographical license to practice expanded function dental assistance 100

Biennial license renewal fee for a general license to practice dental therapy or dental hygiene.....300

Biennial license renewal fee for a general license to practice expanded function dental assistance 100

Annual license renewal fee for a limited license to practice dentistry, dental therapy or dental hygiene 200

Annual license renewal fee for a limited license to practice expanded function dental assistance 75

Annual license renewal fee for a restricted license to practice dentistry 100

Biennial license renewal fee for an inactive dentist 200

Biennial license renewal fee for an inactive dental therapist or dental hygienist 50

Biennial license renewal fee for an inactive expanded function dental assistant 75

Biennial license renewal fee for an expanded function dental assistant who is retired or has a disability 50

Fee for a second or subsequent audit to ensure compliance with continuing education requirements 200

Reinstatement fee for a suspended license to practice dentistry, dental therapy or dental hygiene 300

Reinstatement fee for a suspended license to practice expanded function dental assistance 20

Reinstatement fee for a revoked license to practice dentistry, dental therapy or dental hygiene 500

Reinstatement fee for a revoked license to practice expanded function dental assistance 25

Reinstatement fee to return an inactive or retired dentist, dental therapist or dental hygienist or a dentist, dental therapist or dental hygienist with a disability to active status 300

Reinstatement fee to return an inactive or retired expanded function dental assistant or an expanded function dental assistant with a disability to active status..... 25

Fee for the certification of a license 25

Fee for the certification of a license to administer nitrous oxide or local anesthesia..... 25

Fee for a duplicate wall certificate 25

Fee for a duplicate pocket card receipt..... 25

Application fee for converting a temporary license to a permanent license 125

Fee for an application packet for an examination 25

Fee for an application packet for licensure by credentials 25

Sec. 9. NAC 631.030 is hereby amended to read as follows:

631.030 1. An applicant for licensure must provide the following information and documentation in his or her application:

(a) The date and place of his or her birth;

(b) Certification of graduation from an accredited dental school or college, from an accredited school or college of dental therapy **,** ~~[or]~~ from an accredited school or college of dental hygiene ~~[,]~~ ***or from an accredited program for dental assisting,*** whichever is applicable;

(c) Whether he or she has applied for similar licensure in another state or a territory of the United States or the District of Columbia and, if so, the name of the state or territory of the United States or the District of Columbia, the date and the result of his or her application;

(d) If he or she has practiced dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** in another state or a territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he or she has practiced or is practicing that he or she is in good standing and that there are not any disciplinary proceedings affecting his or her standing pending against him or her in the other state or territory of the United States or the District of Columbia;

(e) Whether he or she has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, the reasons for doing so;

(f) If he or she is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that he or she is legally eligible to reside and work in the United States;

(g) All scores obtained on the examination in which he or she was granted a certificate by the Joint Commission on National Dental Examinations ***, if applicable,*** and the date it was issued;

(h) Whether he or she has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;

(i) Whether he or she has had any misdemeanor or felony convictions and, if so, any documents relevant to any misdemeanor or felony convictions;

(j) Whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(k) Whether he or she has a history of substance misuse or substance use disorder and, if so, any documents relevant to the substance misuse or substance use disorder;

(l) Whether he or she has been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia, or any regional testing agency recognized by the Board and, if so, any documents relevant to the refusal;

(m) Whether he or she has been denied licensure by this State, any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the denial;

(n) Whether he or she has had his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** suspended, revoked or placed on probation, or has otherwise been disciplined concerning his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ~~[,]~~ ***or expanded function dental assistance,*** including, without limitation, being subject to mandatory supervision, receiving a public reprimand, in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the suspension, revocation, probation or other discipline;

(o) A copy of current certification in administering cardiopulmonary resuscitation;

(p) Whether he or she is currently involved in any disciplinary action concerning his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action;

(q) Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information;

(r) Whether he or she has any claims against him or her or has committed any actions that would constitute unprofessional conduct pursuant to NRS 631.3475 or NAC 631.230;

(s) An application form that he or she has completed and signed which:

(1) Is furnished by the Board; and

(2) Includes, without limitation, a properly executed request to release information;

(t) If applicable, the statement and proof required by subsection 3;

(u) Evidence that he or she is eligible to apply for a license to practice:

(1) Dentistry pursuant to NRS 631.230;

(2) Dental hygiene pursuant to NRS 631.290; ~~[or]~~

(3) Dental therapy pursuant to NRS 631.312; ***or***

(4) Expanded function dental assistance pursuant to NRS 631.31285;

(v) The statement required by NRS 425.520; and

(w) Any other information requested by the Board.

2. An applicant for licensure by endorsement pursuant to NRS 622.530 ***to practice dentistry or dental hygiene*** must provide the following information and documentation with his or her application:

(a) The information and documentation listed in subsection 1;

(b) A certificate granted by a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the Board which proves that the applicant has achieved a passing score on such an examination; and

(c) Proof that the applicant has actively practiced dentistry, dental therapy or dental hygiene for the 5 years immediately preceding the date of submission of the application.

3. An applicant for licensure who wishes to use laser radiation in his or her practice of dentistry, dental therapy or dental hygiene must provide to the Board:

(a) A statement certifying that each laser that will be used by the licensee in the practice of dentistry, dental therapy or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

(b) Proof that he or she has successfully completed a course in laser proficiency that:

(1) Is at least 6 hours in length; and

(2) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

Sec. 10. NAC 631.045 is hereby amended to read as follows:

631.045 A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;

2. The name and address of each employee, other than a licensed dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ~~[,]~~ ***or expanded function dental assistant,*** who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility;

3. A statement that each employee identified in subsection 2:

(a) Has received adequate instruction concerning procedures for infection control; and

(b) Is qualified to:

(1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and

(2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178; and

4. If the licensed dentist is registered to dispense controlled substances with the State Board of Pharmacy pursuant to chapter 453 of NRS, an attestation that the licensed dentist has conducted annually a minimum of one self-query regarding the issuance of controlled substances through the Prescription Monitoring Program of the State Board of Pharmacy.

Sec. 11. NAC 631.050 is hereby amended to read as follows:

631.050 1. If the Executive Director or Secretary-Treasurer finds that:

(a) An application is:

(1) Deficient; or

(2) Not in the proper form; or

(b) The applicant has:

(1) Provided incorrect information;

(2) Not attained the scores required by chapter 631 of NRS; or

(3) Not submitted the required fee,

➥ the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

(a) A felony conviction;

(b) A misdemeanor conviction;

(c) Been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(d) A history of substance misuse or substance use disorder;

(e) Been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia;

(f) Been denied licensure by this State, any other state or territory of the United States or the District of Columbia;

(g) Had his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** suspended, revoked or placed on probation, or has otherwise been disciplined concerning his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ~~[,]~~ ***or expanded function dental assistance,*** including, without limitation, being subject to mandatory supervision or receiving a public reprimand, in this State, another state or territory of the United States or the District of Columbia;

(h) Not actively practiced dentistry, dental therapy or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board; or

(i) ~~[Is currently involved]~~ ***Current involvement*** in any disciplinary action concerning his or her license to practice dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** in this State, another state or territory of the United States or the District of Columbia,

➥ the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that the application be reconsidered. If an application is rejected following reconsideration by the

Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of the application at the next regularly scheduled meeting of the Board.

Sec. 12. NAC 631.090 is hereby amended to read as follows:

631.090 1. Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of paragraph (b) of subsection 1 of NRS 631.240, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners ~~[or the clinical examination administered by the Western Regional Examining Board]~~ must:

(a) Pass the Dental Simulated Clinical Examination or a comparable examination administered by the ~~[Western Regional Examining Board,]~~ ***American Board of Dental Examiners,*** as applicable;

(b) Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;

(c) Demonstrate proficiency in fixed prosthodontics as the organization administering the clinical examination requires;

(d) Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;

(e) Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and

(f) Perform such other procedures as the Board requires.

2. The Board may require an applicant for licensure to practice dentistry, dental hygiene or dental therapy to pass such additional examinations for licensure as the Board may prescribe if the applicant:

(a) Has been previously licensed in this State and has not held such a license for 2 years or more, including, without limitation, because the license was revoked or voluntarily surrendered; and

(b) Has not maintained an active practice outside of this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked, surrendered or because of any other order by a competent authority of another jurisdiction.

Sec. 13. NAC 631.140 is hereby amended to read as follows:

631.140 1. Except as otherwise provided in NRS 622.090, an applicant who does not pass all sections of the clinical examination approved by the Board and the American Board of Dental Examiners ~~[or the clinical examination administered by the Western Regional Examining Board]~~ may apply for a reexamination. The application must be made on a form furnished by the Board.

2. An applicant who does not pass the examination may not take another examination without completing such additional professional training as is required by the Board.

3. An applicant who does not pass the examination solely because he or she fails one of the demonstrations required pursuant to NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration. If the applicant does not successfully complete the remaining demonstration at the next scheduled examination or within the timeline approved by the American Board of Dental Examiners ~~[or by the Western Regional Examining Board]~~ for a person who takes the examination as part of an integrated curriculum, he or she must retake the entire examination.

4. For the purposes of NRS 631.280, an applicant who attempts to complete successfully a demonstration pursuant to subsection 3 shall not be deemed to have failed the examination twice if he or she fails to complete that demonstration successfully.

Sec. 14. NAC 631.143 is hereby amended to read as follows:

631.143 Except as otherwise provided in NRS 622.090, in fulfillment of the requirements of paragraph (b) of subsection 1 of NRS 631.3121, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners ~~[or the clinical examination administered by the Western Regional Examining Board]~~ must pass a simulated clinical examination in dental therapy or a comparable examination ~~[administered by the Western Regional Examining Board, as applicable.]~~ ***approved by the Board.***

Sec. 15. NAC 631.173 is hereby amended to read as follows:

631.173 1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. Each dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred or carried over from one licensing period to another.

3. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist. Hours of instruction may not be transferred or carried over from one licensing period to another.

4. ***Each expanded function dental assistant licensed to practice in this State must annually complete at least 12 hours of instruction in approved courses of continuing education or biennially complete at least 24 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the expanded function dental assistant. Hours of instruction may not be transferred or carried over from one licensing period to another.***

5. In addition to the hours of instruction prescribed in subsections 1 ~~[, 2 and 3]~~ ***to 4, inclusive,*** each dentist, dental therapist ***,*** ~~[and]~~ dental hygienist ***and expanded function dental assistant*** must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

~~[5.]~~ ***6.*** Any provider of or instructor for a course in continuing education relating to the practice of dentistry, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

(a) The American Dental Association or the societies which are a part of it;

(b) The American Dental Hygienists' Association or the societies which are a part of it;

(c) The Academy of General Dentistry;

(d) Any nationally recognized association of dental or medical specialists;

(e) Any university, college or community college, whether located in or out of Nevada; or

(f) Any hospital accredited by The Joint Commission.

~~[6.]~~ ***7.*** To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by

a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

~~[7.]~~ ***8.*** Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection ~~[6]~~ ***7*** and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

~~[8.]~~ ***9.*** Credit may be allowed for attendance at a meeting or a convention of a dental, dental therapy ***,*** ~~[or]~~ dental hygiene ***or dental assistance*** society.

~~[9.]~~ ***10.*** Credit may be allowed for courses completed via home study, on-line study, self-study or journal study which are taught through correspondence, webinar, compact disc or digital video disc.

~~[10.]~~ ***11.*** Credit may be allowed for dental, dental therapy ***,*** ~~[and]~~ dental hygiene ***and expanded function dental assistance*** services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

Sec. 16. NAC 631.175 is hereby amended to read as follows:

631.175 1. Approved subjects for continuing education in dentistry, dental therapy ***,*** ~~[and]~~ dental hygiene ***and expanded function dental assistance*** are:

(a) Clinical subjects, including, without limitation:

(1) Dental and medical health;

(2) Preventive services;

(3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

(1) Dental practice organization and management;

(2) Patient management skills;

(3) Methods of health care delivery; and

(4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental therapist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental therapist, as applicable.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. ***In completing the hours of continuing education required pursuant to NAC 631.173, an expanded function dental assistant must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the expanded function dental assistant.***

5. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist, ***a*** dental therapist ~~[or]~~ ***, a*** dental hygienist ***or an expanded function dental assistant*** must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ~~[.]~~ ***or expanded function dental assistant.***

~~[5.]~~ ***6. In completing the hours of continuing education required pursuant to NAC 631.173, an expanded function dental assistant must annually complete at least 2 hours in the clinical subject of the identification and prevention of medical emergencies or biennially complete at least 4 hours in the clinical subject of identification and prevention of medical emergencies, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the expanded function dental assistant.***

7. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist who is registered to dispense controlled substances pursuant to NRS 453.231 must complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure.

~~[6.]~~ ***8.*** The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental, dental therapy ***,*** ~~[or]~~ dental hygiene ***or dental assistance*** society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed via home study, on-line study, self-study or journal study through correspondence, webinar, compact disc or digital video disc, not more than 50 percent of the number of hours of continuing education required by subsection 1, 2 ***,*** ~~[or]~~ 3 ***or 4*** of NAC 631.173, as applicable.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ~~[.]~~ ***or expanded function dental assistant.***

(e) For approved dental, dental therapy ***,*** ~~[or]~~ dental hygiene ***or expanded function dental assistance*** services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

Sec. 17. NAC 631.177 is hereby amended to read as follows:

631.177 1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

> I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dentist

(b) Dental therapist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 18 hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dental Therapist

(c) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

Signature of Dental Hygienist

(d) ***Expanded function dental assistant shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:***

I, ..., hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 12 approved hours of instruction in continuing education during the period July 1, ..., through and including June 30, ... I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this ..... (day) of ..... (month) of ..... (year)

.....

(e) Dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist, ***a*** dental therapist ~~[or]~~ ***,*** ***a*** dental hygienist ***or an expanded function dental assistant*** at an approved course in continuing education must be retained by the dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** and must include at least the following information:

(a) The name and location of the course;

(b) The date of attendance;

(c) The name, address and telephone number of its instructor;

(d) A synopsis of its contents; and

(e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The second or subsequent failure of a dentist, ***a*** dental therapist ***,*** ~~[or]~~ ***a*** dental hygienist ***or an expanded function dental assistant*** to obtain or file proof of completion of the credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random initial audits of dentists, dental therapists ***,*** ~~[or]~~ dental hygienists ***and expanded function dental assistants*** and additional follow-up audits, as necessary, to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.

Sec. 18. NAC 631.273 is hereby amended to read as follows:

631.273 1. If, upon the death of a dentist licensed pursuant to chapter 631 of NRS, a surviving member of his or her family desires to own or control his or her practice, share in the fees therefrom, or control the services offered, the surviving member shall, within 2 months after the dentist's death, notify the Board of that fact by furnishing the Secretary-Treasurer with a certified copy of the death certificate.

2. Upon receipt of the death certificate, the Board will appoint one or more of its members, agents or employees to investigate the operation of the dental practice of the decedent to determine whether the practice is being conducted in full compliance with the requirements of chapter 631 of NRS and the regulations of the Board, paying particular attention to the health, welfare and safety of the public.

3. If, upon investigation, the Board finds that the practice is not being conducted in full compliance with the requirements of chapter 631 of NRS or the regulations of the Board, it will apply to the district court to enjoin the continuation of the practice and will further institute any disciplinary action it deems necessary against any licensed dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** associated with the practice.

Sec. 19. NAC 631.275 is hereby amended to read as follows:

631.275 1. For the purposes of paragraph (i) of subsection 2 of NRS 631.215, the Board will deem a person to exercise authority or control over the clinical practice of dentistry if the person, by agreement, lease, policy, understanding or other arrangement, exercises authority or control over:

(a) The manner in which a licensed dentist, a dental therapist, a dental hygienist ***, an expanded function dental assistant*** or a dental assistant uses dental equipment or materials for the provision of dental treatment;

(b) The use of a laboratory or the decision to purchase or not to purchase dental equipment or materials against the advice of a licensed dentist if the dentist reasonably concludes that such use, purchase or failure to purchase would impair the ability of the dentist, ***a*** dental therapist ***,*** ~~[or]~~ a dental hygienist ***or an expanded function dental assistant*** to provide dental care to a patient consistent with the standard of care in the community;

(c) A decision of a licensed dentist regarding a course or alternative course of treatment for a patient, the procedures or materials to be used as part of a course of treatment or the manner in which a course of treatment is carried out by the dentist, a dental therapist, a dental hygienist ***, an expanded function dental assistant*** or a dental assistant;

(d) The length of time a licensed dentist, a dental therapist ***,*** ~~[or]~~ a dental hygienist ***or an expanded function dental assistant*** spends with a patient or if the person otherwise places conditions on the number of patients a licensed dentist, a dental therapist ***,*** ~~[or]~~ a dental hygienist ***or an expanded function dental assistant*** may treat in a certain period of time;

(e) The length of time a licensed dentist, a dental therapist, a dental hygienist ***, an expanded function dental assistant*** or a dental assistant spends performing dental services, against the

advice of the dentist, if the dentist reasonably believes that the ability of the dentist, dental therapist, dental hygienist ***, expanded function dental assistant*** or dental assistant to provide dental care to a patient consistent with the standard of care in the community would be impaired;

(f) The referrals by a licensed dentist to another licensed dentist or otherwise places any restriction or limitation on the referral of patients to a specialist or any other practitioner the licensed dentist determines is necessary;

(g) The clinical practices of a dental therapist ~~[or]~~ ***, a*** dental hygienist ***or an expanded function dental assistant*** regarding appropriate dental therapy care or dental hygiene care, as applicable, or the duties that a licensed dentist may delegate to a dental therapist ~~[or]~~ ***, a*** dental hygienist ~~[;]~~ ***or an expanded function dental assistant;***

(h) Patient records at any time to the exclusion of the applicable licensed dentist or the applicable patient;

(i) A decision of a licensed dentist to refund payments made by a patient for clinical work that is not performed or is performed incorrectly by:

(1) The dentist; or

(2) A dental therapist ~~[or]~~ ***, a*** dental hygienist ***or an expanded function dental assistant*** employed by the licensed dentist or a professional entity of the licensed dentist;

(j) A decision regarding the advertising of the practice of a licensed dentist if the decision would result in a violation of the provisions of NRS 631.348 by the dentist;

(k) A decision to establish fees for dental services against the advice of a licensed dentist if the dentist reasonably concludes that those fees would impair the ability of the dentist, a dental therapist ***,*** ~~[or]~~ a dental hygienist ***or an expanded function dental assistant*** to provide dental care to patients consistent with the standard of care in the community;

(l) A decision relating to the clinical supervision of dental therapists ***,*** ~~[or]~~ dental hygienists ***,*** ***expanded function dental assistants*** and ancillary personnel regarding the delivery of dental care to patients of a licensed dentist;

(m) The hiring or firing of licensed dentists, dental therapists ***,*** ~~[or]~~ dental hygienists ***or expanded function dental assistants*** or the material clinical terms of their employment relationship with a licensed dentist or a professional entity of a licensed dentist;

(n) A decision regarding the hiring of ancillary personnel against the advice of a licensed dentist or a decision by a licensed dentist to fire or refuse to work with ancillary personnel if that advice, firing or refusal is related to the clinical competence of that ancillary personnel to render dental care to patients, regardless of who employs such ancillary personnel; and

(o) The material terms of any provider contracts or arrangements between a licensed dentist or a professional entity of a licensed dentist and third-party payors against the advice of the dentist, if the dentist reasonably concludes that the contract or arrangement would impair the ability of the dentist to provide dental care to patients consistent with the standard of care in the community.

2. For the purposes of this section:

(a) "Ancillary personnel" means a person, other than a licensed dentist, a dental therapist ***,*** ~~[or]~~ a dental hygienist ~~[,]~~ ***or an expanded function dental assistant,*** who:

(1) Directly provides dental care to a patient under the supervision of a licensed dentist, a licensed dental therapist or a dental hygienist; or

(2) Assists a licensed dentist, a dental therapist or a dental hygienist in the provision of dental care to a patient.

(b) "Clinical" means relating to or involving the diagnosis, evaluation, examination, prevention or treatment of conditions, diseases or disorders of the maxillofacial area, oral cavity or the adjacent and associated structures and their impact on the human body, as typically provided by a licensed dentist or, if applicable, a dental therapist ~~[or]~~ ***, a*** dental hygienist ~~[,]~~ ***or an expanded function dental assistant,*** within the scope of the education, experience and training of the dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ~~[,]~~ ***or expanded function dental assistant,*** in accordance with applicable law and the ethics of the profession of dentistry.

Sec. 20. NAC 631.279 is hereby amended to read as follows:

631.279 1. Any applicant or licensed dentist, dental therapist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

Informational Statement Form
R041-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 631

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

On March 20, 2023, SB 310, creating the license for Expanded Function Dental Assistant, (EFDA) was enacted by the Governor. The text of SB 310 (now codified at NRS 631.31285 et. seq.) requires the Board to enact regulations establishing requirements for EFDA licensure and authorizing EFDAs to perform certain tasks. The attached regulations are the result of this statutory edict. It is needed so the NSBDE can be in statutory compliance.

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.

How Public Comment was Solicited

On March 27, 2024, a Public Workshop was held related to the EFDA regulations; public comment was solicited.

On April 3, 2024, the Legislative, Legal & Dental Practice (LLDP) Committee met at a public meeting to discuss the workshop comments and to craft a requested regulation proposal; public comment was solicited.

On or about April 10, 2024, the NSBDE requested assistance from the Legislative Counsel Bureaus (LCB) in crafting regulations.

On August 14, 2024, at a public Board meeting, the regulation was discussed; public comment was solicited.

(Due to staff turnover and other priorities, progress was stalled for over a year)

On February 25, 2026, the Board revisited the EFDA regulation at a public Board meeting; public comment was solicited.

On March 25, 2026, the EFDA regulation was discussed; public comment was solicited; public comment was solicited.

On May 27, 2026, the Board revisited the EFDA regulation at a public Board meeting; public comment was solicited.

Additionally, 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 of EFDAs as well as any persons who had specifically requested such notice. These documents were also made available at the website of the NSBDE at https://dental.nv.gov/. Further, the Notice of Intent to Act on a Regulation was posted on or about July 15, 2024, at the following locations:
1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
2) Legislative Counsel Bureau - www.leg.state.nv.us
3) State Library and Archives - www.nsla.nv.gov
4) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
6) Douglas County Main Library, 1625 Library Ln, Minden, NV 89423
7) Elko County Main Library, 720 Court St, Elko, NV 89801
8) Esmerelda County Main Library, PO Box 430, Goldfield, NV 89013
9) Eureka County Main Library, 80 Monroe St, Eureka, NV 89316
10) Humboldt County Main Library, 85 E 5th St, Winnemucca, NV 89445
11) Lander County Main Library, 625 S Broad St, Battle Mountain, NV 89820
12) Lincoln County Main Library, 63 Main Street, PO Box 330, Pioche, NV 89043
13) Lyon County Main Library, 20 Nevin Way, Yerington, NV 89447
14) Mineral County Main Library, 110 1st Street, Hawthorne, NV 89415
15) Nye County Main Library, 701 East Street, Pahrump, NV 89048
16) Pershing County Main Library, 1125 Central Ave, Lovelock, NV 89419
17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

A Summary of the Public Response

At the initial workshop, Ms. Juhle, who helped author the regulation language, spoke in favor of the regulation. Both the NDA and NDHA representatives also spoke in favor, with the NDHA rep wanting to ensure that EFDAs were CODA-educated. three comments focused on balancing the need for patient safety protections with access to care.

At the LLDP Committee meeting, Dr. Abbitan voice support. RDH Ventura suggested a few edits to fees and hygiene terminology. Ms. Juhle commented that the 12 hours of continuing education credits required of EFDAs annually was reasonable in light of the amount required for other licensees.

At the April 10, 2024, Board meeting, based on a revised draft with changes proposed at the LLDP Committee meeting, Ms. Juhle noted she could answer any questions as co-author of the proposal, while both the NDA and NDHA representatives spoke in favor,

The single commentor at the August 14, 2024, Board meeting, RDH Ventura, voiced support and noted seven other states has similar regulations; however, then-General Counsel noted that LCB had concerns about the language and proposed suggestions for the Board to consider. Then-GC was going to further discuss the language with LCB.

(In the interim, then-General Counsel departed and a new Executive Director was appointed; the regulation momentum stopped. In December of 2025, LCB reached out to the Executive Director for an update, putting this back on the Board's radar.)

At the December 11, 2025, Board meeting, the status of the regulation as coming back to light was noted, and it was further noted that the presented version was the one the LCB had no issue with. The Board voted to move forward with this version of the regulation with no further edits.

At the February 25, 2026, after LCB finalized the regulation language, it was put on the Board's agenda for a final vote of approval. They did vote for approval.

(When current General Counsel went looking through prior counsel's records for a Notice of Intent to Act (NOIA) related to this regulation, it could not be found).

At the March 25, 2026, Board meeting, since a prior NOIA could not be found, the Board repeated that step out of an abundance of caution and ordered the 30-day NOIA posting and subsequent meeting to solicit comment. It was also noted that the age of the proposed regulation necessitated renumbering.

Finally, at the May 27, 2026, Board meeting, NOIA requirements were addressed, comment after a 30-day notice period was solicited, and there was no comment. The Board voted to move this to the Notice of Adoption rulemaking step.

Explanation of How Other Interested Persons May Obtain a Copy of the Summary

A copy of the summary of the public response to the proposed regulation may be obtained from the NSBDE in person at 2651 N. Green Valley Pkwy., Henderson, Nevada 89014 or via email to nsbde@dental.nv.gov.

3. The number persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written comments:

The following number of persons submitted live oral public comment (the NSBDE takes public comment twice each meeting in lieu of accepting testimony) at each identified hearing as follows: (Note, the NSBDE does not take attendance of number of persons generally who attend hearings.)

03/27/2024 Public Workshop: 2 (Dr. Aimee Abittan for the Nevada Dental Association (NDA); Julie Muhle for Truckee Meadows Community College (TMCC); RDH Antonio Ventura; RDH Caryn Solie)
04/03/2024 LLDP Committee Meeting: 3 (Dr. Aimee Abittan for the NDA, Julie Muhle for TMCC; RDH Antonio Ventura for Nevada Dental Hygiene Association (NDHA))
4/10/2024 Board Meeting: (Dr. Aimee Abittan for the NDA; Julie Muhle for TMCC; RDH Caryn Solie for NDHA)
08/14/2024 Board Meeting: 1 (RDH Antonia Ventura for NDHA)

12/11/2025 Board Meeting: 0
02/25/2026 Board Meeting: 0
3/25/2026 Board Meeting: 0
5/27/2026 Board Meeting: 0

The following number of persons submitted written public comments for consideration at each identified hearing as follows:

03/27/2024 Public Workshop: 2 (RDH Antonia Ventura for NDHA; Julie Muhle for TMCC)
04/03/2024 LLDP Committee Meeting: 2 (RDH Antonia Ventura for NDHA; Julie Muhle for TMCC)
04/10/2024 Board Meeting: 0
08/14/2024 Board Meeting: 1 (RDH Antonia Ventura for NDHA)
12/11/2025 Board Meeting: 1 (Paul Klein for Tri-Strategies)
02/25/2026 Board Meeting: 0
3/25/2026 Board Meeting: 0
5/27/2026 Board Meeting: 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.

(Note, the NSBDE does not require or request telephone numbers, addresses, email addresses, or names of associated business entities from public commenters; thus, it will not be possible to set forth information complying with NRS 233B.066(1)(c) in every case. However, the following persons, identified as licensees for whom the NSDBE does have licensing information, are noted; we have also included what contact information was provided in the written public comments:

NDA/Dr. Abittan
00 E. William St.,
Ste. # 202
Carson City, NV 89701
702-255-4211
www. nvda.org

NDHA/RDH Ventura/RDH Solie
PO Box 2602
Sparks, NV 89432
nevadadentalhygiene@gmail.com

TMCC/Julie Muhle
7000 Dandini Blvd.
Suite 417B
Reno, NV 89512
775-673-7125
jmuhle@tmcc.edu

Tri-Strategies
59 Damonte Ranch Pkwy
Suite B-552
Reno, NV 89521
(480) 343-1602

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.

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 not adopted without changes; as noted above, the draft went through several edit iterations through the LCB.

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:

Both adverse and beneficial effects

The agency has concluded that the proposed regulations will not impose a direct and significant economic burden upon small businesses because these regulations relate to individual licensing matters. Thus, there is no anticipated beneficial or adverse economic effects upon regulated businesses.

Both immediate and long-term effects

For the reasons stated in #7a above, the anticipated immediate effect on the regulated businesses will be none to minimal. Only if a business were to pay for an EFDA licensee on behalf of their staff would any economic impact be felt by the business itself. Similarly, there is no to minimal anticipated long term effect on the regulated businesses Importantly, there are not currently any schools in Nevada that offer an EFDA educational program meeting statutory requirements; to the Board does not currently have and has not previously had an EFDA licensee applications, such that, until Nevada offers such educational programs, there may continue to be no economic impact.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There is no additional cost to the agency for enforcement of this regulation, other than the expenditure of additional staff time in processing an additional type of license application.

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 or overlaps.

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 provide new fees to license EFDAs; this is accomplished by adding EFDA as a license type to the Schedule of Fees. Based on the training and experience required to become an EFDA as compared to other license types, the licensing ees are minimal, each $125 of less.

The proposed regulation creates a new license category for which educational programs must first be developed and approved before individuals can become eligible for licensure.

As a result, the Board does not anticipate collecting licensing fees associated with this license category during the next two fiscal years, as sufficient time will be needed for educational programs to be established, students to enroll, and graduates to complete the required training and become eligible for licensure.

Any future licensing fees collected from license holders will be used to support the Board's licensing, compliance, enforcement, and program administration activities associated with regulating the profession and protecting the public. It is anticipated to generate an estimated $25,000 biennially.

Nevada State Board of Dental Examiners

2651 N. Green Valley Pkwy, Ste. 104 • Henderson, NV 89014 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

Statement of Impact on Small Businesses
(Pursuant to NRS 233B.0608)
LCB NO: RP079-24 - EFDA

(A procedural history note – This regulation originated in 2024 under LCB File No. RP079-24; thus, earlier submissions were associated with that case number. That LCB File No. was nearing its two-year lifespan; thus, the NSBDE requested and was granted a new File No., which is R041-26.)

Agency:

Nevada State Board of Dental Examiners

Chapter Number:

Nevada Administrative Code Chapter 631

Regulation Number(s):

Sections 1-7 (new – created in response to SB 310; NAC 631.029; NAC 631.030; NAC 631.045; NAC 631.050; NAC 631.090; NAC 631.140; NAC 631.173; NAC 631.175; NAC 631.177; NAC 631.273; NAC 631.275; NAC 631.279; R072-22

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

The NSBDE posted proposed changes to NAC 631 on the NSBDE's website for the public and small business to review and comment and held multiple public hearings as well as a public hearing on the intent to adopt regulations (see Informational Statement.)

In addition to written public comments submitted for reading during any of the NSBDE's open meetings, interested persons were invited to submit Statements of Impact to: Executive Director, Nevada State Board of Dental Examiners, 2651

N Green Valley Pkwy, Ste 104, Henderson, NV 89014; email nsbde@dental.nv.gov; or fax (702) 486-7046.

(b) Method used to determine the impact on small businesses.

Public notices of the workshop and of upcoming hearings were posted as required by Open Meeting Law (NRS 241) and the Administrative Procedure Act (NRS 233B). Mailings of said notices were also sent, upon request, to any interested parties, including affected practitioner associations within Nevada. Notices were also posted on the website maintained by the NSBDE, http://www.dental.nv.gov. Comments were recorded at each meeting, if offered, and are available for inspection at the NSBDE office and upon request.

The comments from the public meetings and any Statements of Impact sent directly to the NSBDE were taken into consideration when drafting the economic effect/estimated cost statement that will be included in the Public Notice of Hearing and Intent To Act Upon Regulations, which was posted, pursuant to NRS 233B.060, no less than thirty (30) days prior to the hearing. The NSBDE determined that the proposed regulations would not impose a direct and significant economic burden upon a small business.

At the workshop on March 27, 2024, of the comments received, none were relevant to financial impact. At the hearing on the Notice of Intent to Act Upon a Regulation on May 27, 2026, there were no public or small business comments.

Based on the input received, the NSBDE determined that the proposed regulations would not have an adverse economic effect on small business as said proposed regulations would primarily affect an individual licensee type. Therefore, the NSBDE concluded that the proposed regulations would not impose a direct and significant economic burden upon a small business.

AGENDA POSTING LOCATIONS

1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
2) Legislative Counsel Bureau - www.leg.state.nv.us
3) State Library and Archives - www.nsla.nv.gov
4) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
6) Douglas County Main Library, 1625 Library Ln, Minden, NV 89423
7) Elko County Main Library, 720 Court St, Elko, NV 89801
8) Esmerelda County Main Library, PO Box 430, Goldfield, NV 89013
9) Eureka County Main Library, 80 Monroe St, Eureka, NV 89316
10) Humboldt County Main Library, 85 E 5th St, Winnemucca, NV 89445

11) Lander County Main Library, 625 S Broad St, Battle Mountain, NV 89820
12) Lincoln County Main Library, 63 Main Street, PO Box 330, Pioche, NV 89043
13) Lyon County Main Library, 20 Nevin Way, Yerington, NV 89447
14) Mineral County Main Library, 110 1st Street, Hawthorne, NV 89415
15) Nye County Main Library, 701 East Street, Pahrump, NV 89048
16) Pershing County Main Library, 1125 Central Ave, Lovelock, NV 89419
17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

I, Adam Higginbotham, Executive Director for the Nevada State Board of Dental Examiners, to the best of my knowledge or belief, certified 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.

_____
Name
Executive Director

R053-26

ADOPTED REGULATION OF THE

BOARD OF DENTAL EXAMINERS OF NEVADA

LCB File No. R053-26

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

AUTHORITY: §§ 1 and 2, NRS 631.190.

A REGULATION relating to oral health; adopting by reference a publication relating to dental radiographic examinations; revising certain provisions governing radiographic procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt rules and regulations necessary to carry out the provisions of law governing the practice of dentistry. (NRS 631.190)

Section 1 of this regulation adopts by reference the publication *Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure*, 2012 edition, developed by the American Dental Association in collaboration with the Food and Drug Administration of the United States Department of Health and Human Services.

Existing regulations require: (1) each patient who is undergoing a radiographic procedure to be covered with a lead apron; and (2) each licensee who employs any person, other than a dental therapist or dental hygienist, to assist him or her in radiographic procedures to include with his or her application for renewal of his or her license a certified statement which, among other things, attests that each such employee has received adequate instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to regulations governing the operation of X-ray systems. (NAC 631.260) **Section 2** of this regulation: (1) eliminates the requirement that each patient who is undergoing a radiographic procedure be covered with a lead apron and instead requires a licensee to use radiographic imaging in accordance with the provisions of *Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure*, 2012 edition, as adopted by reference in **section 1**; and (2) revises the certified statement to instead attest that each such employee has received instruction in the use of radiographic machines and procedures sufficient to demonstrate competency as required pursuant to regulations governing the operation of X-ray systems.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board hereby adopts by reference Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure, 2012 edition, developed by the American Dental Association in collaboration with the Food and Drug Administration of the United States Department of Health and Human Services. The publication is available, free of charge, from the American Dental Association at the Internet address https://www.ada.org/resources/practice/practice-management/radiographic-imaging.

2. The Board will review each update to the publication adopted by reference in subsection 1 at a public meeting not later than 6 months after publication. If the Board does not disapprove the update at that meeting, the update is deemed to be approved and becomes part of the publication adopted by reference.

Sec. 2. NAC 631.260 is hereby amended to read as follows:

631.260 1. ~~[Each patient who is undergoing a]~~ ***Unless it is otherwise impossible or impracticable, a licensee shall use*** radiographic ~~[procedure must be covered]~~ ***imaging in accordance*** with ~~[a lead apron.]~~ ***the provisions of Dental Radiographic Examinations: Recommendations for Patient Selection and Limiting Radiation Exposure, 2012 edition, as adopted by reference in section 1 of this regulation.***

2. Each licensee who employs any person, other than a dental therapist or dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for renewal of his or her license a certified statement:

(a) Containing the name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures; and

(b) Attesting that each such employee has received:

(1) ~~[Adequate instruction concerning]~~ ***Instruction in the use of*** radiographic ***machines and*** procedures ~~[and is qualified]~~ ***sufficient*** to ~~[operate radiographic equipment]~~ ***demonstrate competency*** as required pursuant to ~~[subsection]~~ ***subsections*** 3 ***and 4*** of NAC 459.552;

(2) Training in cardiopulmonary resuscitation at least every 2 years while so employed;

(3) A minimum of 4 hours of continuing education in infection control every 2 years while so employed; and

(4) Before beginning such employment, a copy of this chapter and chapter 631 of NRS in paper or electronic format.

Informational Statement Form
R053-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 631

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

The proposed regulation modifications would modernize requirements for radiology use in dental practice. First, it would remove lead apron requirements to follow the American Dental Association (ADA) recommendations; the ADA has recently removed lead apron requirements due to safety enhancements in radiographic technology and updated scientific guidance regarding lower than thought risk of radiation exposure. Second, it updates the ADA source materials that dentists must consult for radiation guidelines.

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.

How Public Comment was Solicited

On March 17, 2026, a Public Workshop was held related to the lead apron and radiology regulations; public comment was solicited.

On May 27, 2026, the Board heard the Notice of Intent to Act at a public Board meeting; public comment was solicited.

Additionally, 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 of EFDAs as well as any persons who had specifically requested such notice. These documents were also made available at the website of the NSBDE at https://dental.nv.gov/. Further, the Notice of Intent to Act on a Regulation was posted on or about July 15, 2024, at the following locations:
1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
2) Legislative Counsel Bureau - www.leg.state.nv.us
3) State Library and Archives - www.nsla.nv.gov
4) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
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17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

A Summary of the Public Response

At the initial workshop, the lone commenter, Dr. Tyree Davis of the Nevada Health Center, sought clarification on whether offices still needed to use lead aprons before the regulation was changed even though the ADA had changed its guidance already. The Board clarified that, until changes were officially enacted, the law remained that lead apron usage was required.

After drafting by the LCB, on April 17, 2026, the proposed regulation and a Notice of Intent to Adopt was mailed and emailed to all required recipients for the purposes of providing 30-day's notice of public meeting and comment.

At the May 27, 2026, Board meeting, NOIA requirements were addressed, comment after a 30-day notice period was solicited, and there was no comment. Because there was no comment to incorporate, the Board was able to and did contemporaneously vote to move this to the Notice of Adoption rulemaking step.

Explanation of How Other Interested Persons May Obtain a Copy of the Summary

A copy of the summary of the public response to the proposed regulation may be obtained from the NSBDE in person at 2651 N. Green Valley Pkwy., Henderson, Nevada 89014 or via email to nsbde@dental.nv.gov.

3. The number persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written comments:

The following number of persons submitted live oral public comment (the NSBDE takes public comment twice each meeting in lieu of accepting testimony) at each identified hearing as follows: (Note, the NSBDE does not take attendance of number of persons generally who attend hearings.)

03/17/2026 Public Workshop: 1 (Dr. Tyree Davis)
05/27/2026 Board Meeting: 0

The following number of persons submitted written public comments for consideration at each identified hearing as follows:

03/17/2026 Public Workshop: 0
05/27/2026 Board Meeting: 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.

(Note, the NSBDE does not require or request telephone numbers, addresses, email addresses, or names of associated business entities from public commenters; thus, it will not be possible to set forth information complying with NRS 233B.066(1)(c) in every case. However, the following persons, identified as licensees for whom the NSDBE does have licensing information, are noted; we have also included what contact information was provided in the written public comments:

Dr. Tyree Davis
Nevada Health Centers
762 14th Street
Elko, NV 89801
775-397-7537

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.

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.

A few edits between the Board and LCB occurred, but no further edits were proffered or made based on Board directive.

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:

Both adverse and beneficial effects

The agency has concluded that the proposed regulations will not impose a direct and significant economic burden upon small businesses; indeed, there is likely a benefit to small business since eliminating the lead apron equipment requirement would save on equipment expenses.

Both immediate and long-term effects

For the reasons stated in #7a above, the anticipated immediate effect on the regulated businesses likely be only positive due to cost savings of not having the procure new lead aprons.

There would likewise be a similar long-term effect as lead aprons become worn and need not be replaced.

8. The estimated cost to the agency for enforcement of the adopted regulations.

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.

NAC 459.554 requires lead aprons or body positing at a certain distance from the radiation, such that dentists not using the lead apron will have to adhere to the body positioning distance alternative of the Hazardous Materials regulation. Also, that same regulation does require aprons or other barriers for personnel aside from patients, such that dentists who do not provide their staff with aprons will likely need to meet the "other barriers" requirement.

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 new or revised fees for the Board.

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

A.L. HIGGINBOTHAM
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS

Small Business Impact Statement

Proposed Regulation: Omitting Lead Apron Requirement

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to 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 as stated below.

Brief Background

The proposed regulation modification in NAC 631.260 would remove lead apron requirements to follow the American Dental Association (ADA) recommendations; the ADA has recently removed lead apron requirements due to safety enhancements in radiographic technology and updated scientific guidance regarding lower than thought risk of radiation exposure. See https://www.ada.org/about/press-releases/ada-releases-updated-recommendations-to-enhance-radiography-safety-in-dentistry.

Statement of Methods Used

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. With the response from the survey, it was deemed by the NSBDE that this new regulation would not adversely affect small businesses as defined by NRS 233B. In fact, there is likely a benefit to small business since eliminating the lead apron equipment requirement would save on equipment expenses.

Certification by person responsible for the Board

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, 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 the information contained in this statement was prepared properly and accurately.

Signature: A.L. Higginbotham Date: 2.20.2026

R054-26

ADOPTED REGULATION OF THE

BOARD OF DENTAL EXAMINERS OF NEVADA

LCB File No. R054-26

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

AUTHORITY: §§ 1-4, NRS 631.190; § 5, NRS 631.190 and 631.220; § 6, NRS 631.190 and 631.335; § 7, NRS 631.190 and 631.2715.

A REGULATION relating to dentistry; revising the manner in which certain forms must be authenticated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Dental Examiners of Nevada to adopt regulations as necessary to carry out the provisions of law regulating dentists, dental therapists, dental hygienists and expanded function dental assistants. (NRS 631.190) Existing regulations require that an application for licensure to practice dentistry, dental therapy, dental hygiene or expanded function dental assistance be sworn before a notary public or other officer authorized to administer oaths. (NAC 631.028) Existing regulations also require that a petition for reinstatement of licensure from inactive to active status and the statement included with the form for registration of a permanent facility that only provides postgraduate continuing education in dentistry be notarized before being submitted to the Board. (NAC 631.170, 631.2205) Instead of notarizing such an application, petition or form, **sections 5-7** of this regulation authorize such an applicant, petitioner or registrant to submit to the Board: (1) a declaration signed under penalty of perjury that the information provided to the Board as part of the application, petition or form is true and correct to the best of the knowledge of the person submitting the application, petition or form, as applicable; and (2) a copy of a valid identification card. **Section 3** of this regulation defines "valid identification card" to mean a driver's license or identification card, tribal identification card, military identification card, permanent resident card, passport or any other form of identification issued by a governmental agency which contains a picture of the owner of the form of identification. **Section 2** of this regulation defines "tribal identification card." **Section 4** of this regulation indicates the applicability of the definitions set forth in **sections 2 and 3**.

Section 1. Chapter 631 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. ***"Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

Sec. 3. ***"Valid identification card" means a valid and current:***

1. Driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States;

2. Tribal identification card;

3. Military identification card;

4. Permanent resident card;

5. Passport issued by the United States Government or a foreign government; or

6. Any other form of identification issued by a governmental agency which contains a picture of the owner of the form of identification.

Sec. 4. NAC 631.0005 is hereby amended to read as follows:

631.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 631.002 to 631.008, inclusive, ***and sections 2 and 3 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 5. NAC 631.028 is hereby amended to read as follows:

631.028 1. An application for licensure must be filed with the Executive Director on a form furnished by the Board.

2. An applicant must:

(a) Have his or her application sworn before a notary public or other officer authorized to administer oaths; or

(b) Submit with his or her application:

(1) A declaration that the information provided as part of the application is true and correct to the best of the knowledge of the applicant, which must be signed by the applicant under penalty of perjury in accordance with NRS 53.045; and

(2) A copy of a valid identification card that contains the same name as the signature on the declaration.

3. The application must be ~~[sworn to before a notary public or other officer authorized to administer oaths and]~~ accompanied by the fee required pursuant to NAC 631.029.

~~[2.]~~ ***4.*** All ~~[such]~~ fees must be paid with an instrument which is immediately negotiable.

Sec. 6. NAC 631.170 is hereby amended to read as follows:

631.170 1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

(a) Pay the appropriate renewal fees;

(b) Provide a list of his or her employment during the time the license was inactive;

(c) Report all claims of unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;

(d) Report whether he or she has been held civilly or criminally liable in this State, another state or territory of the United States or the District of Columbia for misconduct relating to his or her occupation or profession;

(e) Report any appearance he or she may have made before a peer review committee;

(f) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;

(g) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;

(h) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

(i) Provide any other information which the Secretary-Treasurer may require,

➥ before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the license to practice dentistry, dental therapy or dental hygiene in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered

or because of any other order by a competent authority of another jurisdiction, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

(a) Payment of the appropriate renewal fees;

(b) A written petition for reinstatement that has been signed and ~~[notarized;]~~ ***either:***

(1) Notarized; or

(2) Submitted with:

(I) A declaration that the information provided as part of the petition is true and correct to the best of the knowledge of the petitioner, which must be signed by the petitioner under penalty of perjury in accordance with NRS 53.045; and

(II) A copy of a valid identification card that contains the same name as the signature on the declaration;

(c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and

(d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

➥ before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, or if a person's license has been on retired status for 2 years or more, he or she must:

(a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and

(b) Pass such additional examinations for licensure as the Board may prescribe,

➥ before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

(a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;

(b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;

(c) Pass such additional examinations for licensure as the Board may prescribe; and

(d) Submit to the Board a statement signed by a licensed physician setting forth that the person is able, mentally and physically, to practice dentistry, dental therapy or dental hygiene, as applicable,

➥ before the license may be reinstated.

6. If the license of a person has been suspended for 2 years or more and the person has not maintained an active practice outside of this State, including, without limitation, because his or her license to practice in another jurisdiction has been suspended, revoked or surrendered or because of any other order by a competent authority of another jurisdiction, the Board may require the person to pass such examinations for licensure as the Board may prescribe before reinstating the license.

Sec. 7. NAC 631.2205 is hereby amended to read as follows:

631.2205 1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The form will include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A ~~[notarized]~~ statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility; and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of moderate sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

3. The statement included pursuant to paragraph (d) of subsection 2 must be either:

(a) Notarized; or

(b) Submitted with:

(1) A declaration that the statement is true and correct to the best of the knowledge of the person submitting the statement, which must be signed under penalty of perjury in accordance with NRS 53.045 by the person submitting the form; and

(2) A copy of a valid identification card that contains the same name as the signature on the declaration.

Informational Statement Form
R054-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 631

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

The proposed regulation modifications would modernize complaint acceptance and licensing capabilities; the proposed regulation modifications in NAC 631.028, NAC 631.170, and NAC 631.2205 would remove notary requirements and, in lieu, allow for declarations as an oath alternative, enabling the Board to develop and implement online license application and disciplinary complaint processing services. Modernizing to online operations would improve operational efficiency.

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.

How Public Comment was Solicited

On March 17, 2026, a Public Workshop was held related to the notary to declaration regulation changes; public comment was solicited.

On May 27, 2026, the Board heard the Notice of Intent to Act at a public Board meeting; public comment was solicited.

Additionally, 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 of EFDAs as well as any persons who had specifically requested such notice. These documents were also made available at the website of the NSBDE at https://dental.nv.gov/. Further, the Notice of Intent to Act on a Regulation was posted on or about July 15, 2024, at the following locations:
1) Nevada State Board of Dental Examiners, 2651 N. Green Valley Parkway, Henderson, Nevada 89014 - www.dental.nv.gov
2) Legislative Counsel Bureau - www.leg.state.nv.us
3) State Library and Archives - www.nsla.nv.gov
4) Carson City Main Library, 900 N Roop St, Carson City, NV 89701
5) Churchill County Main Library, 553 S Maine St, Fallon, NV 89406
6) Douglas County Main Library, 1625 Library Ln, Minden, NV 89423
7) Elko County Main Library, 720 Court St, Elko, NV 89801
8) Esmerelda County Main Library, PO Box 430, Goldfield, NV 89013
9) Eureka County Main Library, 80 Monroe St, Eureka, NV 89316
10) Humboldt County Main Library, 85 E 5th St, Winnemucca, NV 89445
11) Lander County Main Library, 625 S Broad St, Battle Mountain, NV 89820
12) Lincoln County Main Library, 63 Main Street, PO Box 330, Pioche, NV 89043

13) Lyon County Main Library, 20 Nevin Way, Yerington, NV 89447
14) Mineral County Main Library, 110 1st Street, Hawthorne, NV 89415
15) Nye County Main Library, 701 East Street, Pahrump, NV 89048
16) Pershing County Main Library, 1125 Central Ave, Lovelock, NV 89419
17) Storey County Main Library, 175 Carson St 2nd Floor, Virginia City, NV 89440
18) Washoe County Main Library, 301 South Center Street, Reno, NV 89501
19) White Pine County Main Library, 950 Campton St, Ely, NV 89301

A Summary of the Public Response

At the initial workshop, the lone commenter, no one made public comments about these regulation changes.

After drafting by the LCB, on April 17, 2026, the proposed regulation and a Notice of Intent to Adopt (NOIA) was mailed and emailed to all required recipients for the purposes of providing 30-day's notice of public meeting and comment.

At the May 27, 2026, Board meeting, NOIA requirements were addressed, comment after a 30-day notice period was solicited, and there was no comment. Because there was no comment to incorporate, the Board was able to and did contemporaneously vote to move this to the Notice of Adoption rulemaking step.

Explanation of How Other Interested Persons May Obtain a Copy of the Summary

A copy of the summary of the public response to the proposed regulation may be obtained from the NSBDE in person at 2651 N. Green Valley Pkwy., Henderson, Nevada 89014 or via email to nsbde@dental.nv.gov.

3. The number persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written comments:

The following number of persons submitted live oral public comment (the NSBDE takes public comment twice each meeting in lieu of accepting testimony) at each identified hearing as follows: (Note, the NSBDE does not take attendance of the number of persons who attend hearings.)

03/17/2026 Public Workshop: 0
05/27/2026 Board Meeting: 0

The following number of persons submitted written public comments for consideration at each identified hearing as follows:

03/17/2026 Public Workshop: 0
05/27/2026 Board Meeting: 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.

(Note, the NSBDE does not require or request telephone numbers, addresses, email addresses, or names of associated business entities from public commenters; thus, it will not be possible to set forth information complying with NRS 233B.066(1)(c) in every case. However, the following persons, identified as licensees for whom the NSDBE does have licensing information, are noted; we have also included what contact information was provided in the written public comments:

N/A – No comments

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.

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.

A few edits between Board staff and LCB occurred before the NOIA was presented to the Board, but no further edits were proffered or made based on Board directive.

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:

Both adverse and beneficial effects

The agency has concluded that the proposed regulations will not impose a direct and significant economic burden upon small businesses because the notary requirements relate to individuals seeking licenses or filing complaints. If anything, there is likely a benefit to people since eliminating the notary requirement would save on paying notary expenses.

Both immediate and long-term effects

For the reasons stated in #7a above, the anticipated immediate effect on the regulated businesses likely would be only positive due to cost savings of not having the procure notary stamps. There would likewise be a similar long-term effect.

8. The estimated cost to the agency for enforcement of the adopted regulations.

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.

The Board is unaware of any duplicative regulations from other state agencies; NRS 53.045 generally allows declarations under penalty of perjury in lieu of sworn affidavits as authenticated evidence of the truth of the document.

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 new or revised fees for the Board.

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

A.L. HIGGINBOTHAM
Executive Director

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF DENTAL EXAMINERS

Small Business Impact Statement

Proposed Regulations: Omitting Notary Requirements

The Nevada State Board of Dental Examiners (NSBDE) emailed the proposed regulations and a Business Impact Statement Survey to all active licensed dental professionals to determine the impact of the proposed regulations to 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 as stated below.

Brief Background

The proposed regulation modifications in NAC 631.028, NAC 631.170, and NAC 631.2205 would remove notary requirements and, in lieu, allow for declarations as an oath alternative. This enables the Board to develop and implement online application processing services and improve operational efficiency.

Statement of Methods Used

As part of NSBDE's due diligence, a small business impact survey was emailed directly to all active licensed dental professionals in Nevada. With the response from the survey, it was deemed by the NSBDE that these regulation changes would not affect small businesses as defined by NRS 233B. The Board concludes there is no impact on small businesses in Nevada. If anything, some survey participants indicated it would save their businesses money currently spent on notary fees.

Certification by person responsible for the Board

I, A.L. Higginbotham, Executive Director of the Nevada State Board of Dental Examiners, 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 the information contained in this statement was prepared properly and accurately.

Signature: A.L. Higginbotham Date: 2.20.2026

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ADOPTED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R071-26

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

AUTHORITY: § 1, NRS 449.165; §§ 2 and 7, NRS 439.150 and 449.0302; § 3, NRS 439.150, 449.0302, 449.0303, 449.0305, 449.050, 449B.105 and 449B.160; § 4, NRS 439.150, 449.0302, 449.0303 and 449.050; §§ 5 and 10-12, NRS 439.150, 449.0302 and 449.050; § 6, NRS 439.150, 449.0302, 449.0305 and 449.050; § 8, NRS 449B.540, 449B.560 and 449B.680; § 9, NRS 449B.680, 449B.760 and 449B.770; § 13, NRS 449.0302 and 449.165; § 14, NRS 449.442, 449.443 and 449.448; § 15, NRS 449.444 and 449.448; § 16, NRS 449.447 and 449.448.

A REGULATION relating to health care; increasing certain administrative penalties, fines and fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations to impose administrative penalties on persons who violate provisions of law governing: (1) medical facilities, facilities for the dependent, related health care facilities and intermediary service organizations; and (2) the use of anesthesia in the office of a physician or certain facilities that provide health care. (NRS 449.163, 449.165, 449.447, 449.448, 449B.760, 449B.770) Existing law authorizes the Director of the Nevada Health Authority to impose an administrative fine upon a hospital that fails to comply with certain requirements relating to quality of care, the discharge of patients and the reporting of financial information to the Authority. (NRS 449.530) Existing law requires the Board to impose fees for: (1) the licensing of medical facilities, facilities for the dependent, employment agencies that provide nonmedical services and certain other entities that provide health-related services; and (2) permits for certain facilities to provide general anesthesia, conscious sedation or deep sedation. (NRS 449.050, 449.448, 449B.160) Existing law requires the Board to adopt regulations prescribing a fee for an application for a certificate to operate an intermediary service organization. (NRS 449B.560) Existing law also authorizes the Board to set reasonable fees for the licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Care Purchasing and Compliance Division of the Authority, as well as the review of certain building plans. (NRS 439.150)

This regulation increases certain penalties, fines and fees prescribed by the Board. **Section 1** of this regulation increases the administrative penalty that the Division may impose on a medical facility for failure to provide the Division notice of changes in its accreditation status. **Section 2** of this regulation increases the fee for the Division to conduct an on-site advisory

inspection of certain construction by a licensee or applicant for the issuance or renewal of a license. **Sections 3 and 4** of this regulation increase the fees to apply for or renew a license to operate various types of medical facilities and facilities for the dependent as well as a home health agency, a program of hospice care, a facility for treatment with narcotics, a medication unit, a referral agency for certain group housing, an employment agency to provide certain nonmedical services, a psychiatric residential treatment facility or a recovery center. **Section 5** of this regulation increases the additional fee for certain facilities for the dependent to pay a renewal fee in installments. **Section 6** of this regulation increases the fees to make certain changes to a license. **Section 7** of this regulation increases the fee for a resurvey by the Division of a residential facility for groups that receives a grade less than "A" on an initial survey. **Section 8** of this regulation increases the fee to apply for the issuance or renewal of a certificate to operate an intermediary service organization. **Sections 9 and 13** of this regulation increase certain penalties that the Division may impose upon certified intermediary service organizations and licensees, respectively, for certain violations. **Section 10** of this regulation increases the fee to add additional stations to a facility for the treatment of irreversible renal disease. **Sections 11 and 12** of this regulation increase the fees to apply for a provisional license to provide community-based living arrangement services and to renew such a license, respectively. **Sections 14 and 15** of this regulation increase the application fee for a permit and renewal of a permit for certain facilities to provide general anesthesia, conscious sedation or deep sedation. **Section 16** of this regulation increases the penalties for violations of provisions governing general anesthesia, conscious sedation and deep sedation.

Section 1. NAC 449.0108 is hereby amended to read as follows:

449.0108 1. If a medical facility receives notice from a national accrediting organization that the national accrediting organization has accredited the medical facility, the medical facility shall submit to the Division in the manner prescribed by the Division a copy of the notice not later than 7 calendar days after receiving the notice.

2. If a medical facility loses the accreditation of a national accrediting organization, the medical facility shall notify the Division not later than 7 calendar days after receiving notice of the loss of accreditation.

3. The Division may impose an administrative penalty in an amount not to exceed ~~[$1,000]~~ ***$1,070*** for a failure to comply with the requirements of this section. The Bureau shall not impose any administrative sanction pursuant to NAC 449.9982 to 449.99939, inclusive, for such a deficiency.

4. As used in this section, "national accrediting organization" has the meaning ascribed to it in 42 C.F.R. § 488.1.

Sec. 2. NAC 449.01156 is hereby amended to read as follows:

449.01156 1. A licensee or an applicant for the issuance or renewal of a license whose building plans for the construction of a facility have been reviewed pursuant to NAC 449.0115 may submit a written request to the Division for an on-site advisory inspection to be conducted by the Division after at least 80 percent of the construction of the facility is completed. The written request must include, without limitation, the anticipated date on which 80 percent of the construction of the facility will be completed.

2. If the Division receives a request submitted pursuant to subsection 1, the Division shall determine its ability to grant the request and shall issue a notice of that determination to the licensee or applicant who submitted the request.

3. If the Division grants a request submitted pursuant to subsection 1, the licensee or applicant who submitted the request shall, before the Division conducts the on-site inspection, submit to the Division a fee of:

(a) Five hundred ***thirty-five*** dollars, if the project is valued at not more than $500,000;

(b) One thousand ***seventy*** dollars, if the project is valued at more than $500,000 but not more than $1,000,000; or

(c) Two thousand ***one hundred forty*** dollars, if the project is valued at more than $1,000,000.

Sec. 3. NAC 449.013 is hereby amended to read as follows:

449.013 1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division ~~[of Public and Behavioral Health]~~ the following nonrefundable fees:

(a) An ambulatory surgical center ..... ~~[$9,784]~~ ***$10,469***

(b) A home office of a home health agency ..... ~~[5,168]~~ ***5,530***

(c) A branch office of a home health agency ..... ~~[5,358]~~ ***5,733***

(d) A rural clinic ..... ~~[4,058]~~ ***4,342***

(e) A freestanding birthing center ..... ~~[1,564]~~ ***1,674***

(f) A program of hospice care ..... ~~[7,054]~~ ***7,548***

(g) An independent center for emergency medical care ..... ~~[4,060]~~ ***4,344***

(h) A nursing pool ..... ~~[4,602]~~ ***4,924***

(i) A facility for treatment with narcotics ..... ~~[5,046]~~ ***5,399***

(j) A medication unit ..... ~~[1,200]~~ ***1,284***

(k) A referral agency ..... ~~[2,708]~~ ***2,898***

(l) A facility for refractive surgery ..... ~~[6,700]~~ ***7,169***

(m) A mobile unit ..... ~~[2,090]~~ ***2,236***

(n) An agency to provide personal care services in the home 1,374

(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time ..... ~~[1,164]~~ ***1,246***

(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time ..... ~~[1,753]~~ ***1,876***

(q) A community health worker pool ..... ~~[1,000]~~ ***1,070***

(r) An employment agency to provide nonmedical services ..... ~~[1,400]~~ ***1,498***

2. An applicant for the renewal of such a license must pay to the Division ~~[of Public and Behavioral Health]~~ the following nonrefundable fees:

(a) An ambulatory surgical center ..... ~~[$4,892]~~ ***$5,235***

(b) A home office of a home health agency ..... ~~[2,584]~~ ***2,765***

(c) A branch office of a home health agency ..... ~~[2,679]~~ ***2,867***

(d) A rural clinic ..... ~~[2,029]~~ ***2,171***

(e) A freestanding birthing center ..... ~~[782]~~ ***837***

(f) A program of hospice care ..... ~~[3,527]~~ ***3,774***

(g) An independent center for emergency medical care ..... ~~[2,030]~~ ***2,172***

(h) A nursing pool ..... ~~[2,301]~~ ***2,462***

(i) A facility for treatment with narcotics ..... ~~[2,523]~~ ***2,700***

(j) A medication unit ..... ~~[600]~~ ***642***

(k) A referral agency ..... ~~[1,354]~~ ***1,449***

(l) A facility for refractive surgery ..... ~~[3,350]~~ ***3,585***

(m) A mobile unit ..... ~~[1,045]~~ ***1,118***

(n) An agency to provide personal care services in the home 687

(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time ..... ~~[814]~~ ***871***

(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time ..... ~~[1,227]~~ ***1,313***

(q) A community health worker pool ..... ~~[500]~~ ***535***

(r) An employment agency to provide nonmedical services ..... ~~[700]~~ ***749***

3. Upon the issuance or renewal of a license to operate an ambulatory surgical center, program of hospice care, agency to provide personal care services in the home or rural clinic, 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.

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 the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.

Sec. 4. 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]~~ ***$2,410***	~~[$108]~~ ***$116***
(b) A hospital, other than a rural hospital	~~[14,606]~~ ***15,628***	~~[110]~~ ***117***
(c) A rural hospital	~~[9,530]~~ ***10,197***	~~[62]~~ ***67***
(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability	~~[2,018]~~ ***2,159***	~~[280]~~ ***300***
(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability	~~[946]~~ ***1,012***	~~[72]~~ ***77***

	Fee per facility	Fee per bed in the facility
(f) Except as otherwise provided in subsection 3, a residential facility for groups	~~[2,386]~~ ***2,553***	~~[200]~~ ***214***
(g) A facility for the treatment of alcohol or other substance use disorders	~~[782]~~ ***837***	~~[190]~~ ***203***
(h) A facility for hospice care	~~[3,988]~~ ***4,267***	~~[352]~~ ***377***
(i) A home for individual residential care	~~[1,764]~~ ***1,887***	~~[184]~~ ***197***
(j) A facility for modified medical detoxification	~~[9,960]~~ ***10,657***	~~[494]~~ ***529***
(k) A community triage center	~~[782]~~ ***837***	~~[136]~~ ***146***
(l) A facility for the treatment of irreversible renal disease	~~[4,178]~~ ***4,267***	~~[120]~~ ***128***
(m) A facility for transitional living for released offenders	~~[3,990]~~ ***4,279***	~~[146]~~ ***156***
(n) A psychiatric residential treatment facility	~~[9,530]~~ ***10,197***	~~[62]~~ ***66***
(o) A recovery center	~~[946]~~ ***1,012***	~~[72]~~ ***77***

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]~~ ***$1,205***	~~[$54]~~ ***$58***

(b) A hospital, other than a rural hospital ..... ~~[7,303]~~ ***7,814*** ~~[55]~~ ***59***

(c) A rural hospital ..... ~~[4,765]~~ ***5,099*** ~~[31]~~ ***33***

(d) An intermediate care facility for persons with an intellectual disability or persons with a developmental disability ..... ~~[1,009]~~ ***1,277*** ~~[140]~~ ***149***

(e) An intermediate care facility, other than an intermediate care facility for persons with an intellectual disability or persons with a developmental disability ..... ~~[473]~~ ***506*** ~~[46]~~ ***49***

(f) Except as otherwise provided in subsection 3, a residential facility for groups..... ~~[1,193]~~ ***1,276*** ~~[100]~~ ***112***

(g) A facility for the treatment of alcohol or other substance use disorders..... ~~[391]~~ ***418*** ~~[95]~~ ***102***

(h) A facility for hospice care ..... ~~[1,994]~~ ***2,134*** ~~[176]~~ ***188***

(i) A home for individual residential care ..... ~~[500]~~ ***535*** ~~[92]~~ ***98***

(j) A facility for modified medical detoxification..... ~~[4,980]~~ ***5,329*** ~~[247]~~ ***264***

(k) A community triage center ..... ~~[391]~~ ***418*** ~~[68]~~ ***73***

(l) A facility for the treatment of irreversible renal disease ..... ~~[2,089]~~ ***2,235*** ~~[60]~~ ***64***

(m) A facility for transitional living for released offenders ..... ~~[1,995]~~ ***2,135*** ~~[73]~~ ***78***

(n) A psychiatric residential treatment facility..... ~~[4,765]~~ ***5,099*** ~~[31]~~ ***33***

(o) A recovery center ..... ~~[473]~~ ***506*** ~~[46]~~ ***49***

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 (m) of subsection 1 or paragraph (m) of subsection 2 that exceeds the expenses and costs incurred by the Division must be refunded to the applicant.

Sec**. 5.** 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 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]~~ ***$107*** 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. 6. 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 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 to an endorsement on the license of a residential facility pursuant to 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;

(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.]~~ ***$268.***

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;]~~ ***$268;*** 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]~~ ***$300***

(2) If the facility is a residential facility for groups ..... ~~[184]~~ ***197***

(3) If the facility is a facility for the treatment of alcohol or other substance use disorders..... ~~[190]~~ ***203***

(4) If the facility is a facility for hospice care ..... ~~[352]~~ ***377***

(5) If the facility is a home for individual residential care..... ~~[266]~~ ***285***

(6) If the facility is a facility for modified medical detoxification..... ~~[494]~~ ***529***

(7) If the facility is a hospital, other than a rural hospital ..... ~~[110]~~ ***117***

(8) If the facility is a rural hospital..... ~~[62]~~ ***66***

(9) If the facility is a skilled nursing facility ..... ~~[108]~~ ***116***

(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]~~ ***98***

(11) If the facility is a facility for the treatment of irreversible renal disease ..... ~~[120]~~ ***128***

(12) If the facility is a facility for transitional living for released offenders ..... ~~[146]~~ ***156***

(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.]~~ ***$268.***

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. 7. NAC 449.27706 is hereby amended to read as follows:

449.27706 1. If the Bureau issues a placard to a residential facility that includes a grade of "B," the administrator may submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is ~~[$400]~~ ***$428*** and must accompany the application.

2. If the Bureau issues a placard to a residential facility that includes a grade of "C" or "D," the administrator must submit an application to the Bureau for a resurvey of the facility not later than 30 days after the facility receives the placard. The fee for an application for a resurvey is ~~[$600]~~ ***$642*** and must accompany the application.

3. The Bureau may revoke the license of a residential facility that is required to submit an application for a resurvey pursuant to subsection 2 if the facility fails to submit the application in accordance with the provisions of that subsection.

4. As used in this section, "resurvey" has the meaning ascribed to it in NAC 449.99838.

Sec. 8. NAC 449.39511 is hereby amended to read as follows:

449.39511 1. An applicant for a certificate must pay to the Division, at the time of application, a nonrefundable fee of ~~[$2,748.]~~ ***$2,940.***

2. An applicant for the renewal of a certificate must pay to the Division, at the time of application for renewal, a nonrefundable fee of ~~[$1,374.]~~ ***$1,470.***

Sec. 9. NAC 449.39561 is hereby amended to read as follows:

449.39561 1. In determining the amount of an initial monetary penalty, the Division will consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, the severity and scope score must be considered.

2. For initial violations with a severity level of four, an initial monetary penalty of up to $1,000 per violation may be imposed.

3. For initial violations with a severity level of three and a scope level of three, a monetary penalty of up to ~~[$800]~~ ***$856*** per violation may be imposed.

4. For initial violations with a severity level of three and a scope level of two or less, an initial monetary penalty of up to ~~[$400]~~ ***$428*** per violation may be imposed.

5. For initial violations with a severity level of two and a scope level of three, an initial monetary penalty of up to ~~[$200]~~ ***$214*** per violation may be imposed. The payment of this monetary penalty must be suspended if the facility has corrected the violations within the time specified in the plan of correction approved by the Division.

6. Except as otherwise provided in subsection 7, in addition to any monetary penalty imposed pursuant to this section, the Division may impose a monetary penalty of not more than ~~[$10]~~ ***$11*** per client per day for each day the violation continues.

7. The total monetary penalties imposed by the Division pursuant to this section must not be more than $1,000 per day for each violation, together with interest thereon at a rate of 10 percent per annum.

Sec. 10. NAC 449.520 is hereby amended to read as follows:

449.520 1. A facility shall notify the Bureau in writing at least 30 days before beginning any construction, renovation or modification of the physical plant of the facility.

2. A facility must obtain the approval of the Bureau before increasing the number of stations for which the facility is licensed. If a facility intends to increase the number of those stations, the facility must, at least 30 days before the proposed date to increase the number of stations, submit

to the Bureau an application for a new license. The application must be submitted on a form approved by the Bureau and include:

(a) Evidence satisfactory to the Bureau that:

(1) The facility has reviewed the availability of the members of the staff of the facility and, if necessary, has increased the number of positions on the staff to accommodate the proposed increase in the number of stations; and

(2) The water treatment system of the facility is sufficient to ensure the availability of water that is safe for the proposed increase in the number of stations; and

(b) A fee of ~~[$250.]~~ ***$268.***

3. If a facility submits an application pursuant to the provisions of this section, the Bureau may, before considering the application, conduct an inspection of the facility to determine compliance with those provisions.

4. If the Bureau approves an application pursuant to the provisions of this section, the facility shall, not later than 21 days after commencing the use of the stations for which the application was approved, submit to the Bureau a written report concerning the chemical analysis and bacteriologic cultures of the product water of the stations. The written report must be prepared and submitted in accordance with the provisions of the most recently published edition of the *American National Standard, Water Treatment Equipment for Hemodialysis Applications*, which is hereby adopted by reference. A copy of the publication may be obtained from the Association for the Advancement of Medical Instrumentation, ~~[1110 North Glebe Road, Suite 220, Arlington, Virginia 22201,]~~ ***at the Internet address https://webstore.ansi.org/,*** for the price of ~~[$45 for members and $90 for nonmembers.]~~ ***$115.***

Sec. 11. 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]~~ ***$107*** and must include:

(a) For an applicant who is a natural person:

(1) 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 is certified in first aid and cardiopulmonary resuscitation in accordance with the requirements of section 2 of LCB File No. R089-24;

(4) 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;

(5) A copy of the social security card of the applicant;

(6) A copy of a form of government-issued identification, which may include, without limitation, a passport, identification card or driver's license;

(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;

(8) If applicable, the 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

(9) Any other information required by the Division.

(b) For an applicant other than a natural person:

(1) If applicable, the 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;

(2) The federal tax identification number of the organization;

(3) A list of the members of the governing body of the applicant;

(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;

(5) For each member of the governing body:

(I) 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;

(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;

(7) Copies of any policies and procedures of the applicant relating to the provision of services; and

(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. 12. NAC 449.825 is hereby amended to read as follows:

449.825 Not less than 45 days before the expiration of a license, the holder of the license must apply to the Division for renewal in the form prescribed by the Division, accompanied by a nonrefundable fee of ~~[$100.]~~ ***$107.*** The Division may renew the license for any period not to exceed 2 years if the Division determines that the holder of the license is in substantial compliance with the provisions of this chapter and chapter 449 of NRS.

Sec. 13. NAC 449.99899 is hereby amended to read as follows:

449.99899 1. In determining the amount of an initial monetary penalty, the Bureau shall consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, both severity and scope must be considered. In determining whether to impose a daily monetary penalty, the Bureau shall consider the severity and scope and the factors indicated for increased and decreased penalties provided in NAC 449.99902 and 449.99904.

2. For initial deficiencies with a severity level of four:

(a) If the violation creates harm or a risk of harm to one person, an initial monetary penalty of ~~[$2,500]~~ ***$2,675*** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of $5,000 per deficiency must be imposed.

3. For initial deficiencies rated with a severity level of three and a scope level of three:

(a) If the violation creates harm or a risk of harm to one person, a monetary penalty of ~~[$2,000]~~ ***$2,140*** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of ~~[$4,000]~~ ***$4,280*** per deficiency must be imposed.

4. For initial deficiencies with a severity level of three and a scope level of two or less:

(a) If the violation creates harm or a risk of harm to one person, an initial monetary penalty of ~~[$1,500]~~ ***$1,605*** per deficiency must be imposed.

(b) If the violation creates harm or a risk of harm to more than one person, an initial monetary penalty of ~~[$3,000]~~ ***$3,210*** per deficiency must be imposed.

5. For initial deficiencies with a severity level of two and a scope level of three, an initial monetary penalty of ~~[$1,000]~~ ***$1,070*** per deficiency may be imposed. The payment of this monetary penalty must be suspended if the facility has corrected the deficiencies within the time specified in the plan of correction approved by the Bureau.

6. In addition to any monetary penalty imposed pursuant to this section, the Bureau may impose a monetary penalty of not more than ~~[$10]~~ ***$11*** per recipient per day for each day the deficiency continues.

Sec. 14. NAC 449.99942 is hereby amended to read as follows:

449.99942 1. Before offering to a patient a service of general anesthesia, conscious sedation or deep sedation, an outpatient facility shall submit to the Division an application for a permit to offer those services at the outpatient facility on a form prescribed by the Division.

2. An application for a permit must:

(a) Be complete and, if the applicant is a natural person, include proof of the identity of the applicant that is acceptable to the Division.

(b) Be accompanied by the appropriate application fee as prescribed in subsection 3.

(c) Include:

(1) The name of the applicant and, if a natural person, evidence that the applicant has attained the age of 21 years.

(2) The location of the outpatient facility.

(3) In specific terms, the nature of services and type of care to be offered.

(4) The name of the person in charge of the outpatient facility.

(5) Such other information as may be required by the Division for the proper administration and enforcement of NRS 449.435 to 449.448, inclusive, and NAC 449.9994 to 449.999489, inclusive.

(6) Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the outpatient facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the outpatient facility for which application is made.

(7) Evidence satisfactory to the Division of the ability of the applicant to comply with the standards and regulations adopted by the Board.

(8) Evidence satisfactory to the Division that the outpatient facility:

(I) Conforms to the zoning regulations of the local government within which the outpatient facility will be operated; or

(II) Has applied for an appropriate reclassification, variance, permit for special use or other exception for the outpatient facility.

(d) Be accompanied by:

(1) Except as otherwise provided in subparagraph (2), proof of accreditation by a nationally recognized organization approved by the Board pursuant to NAC 449.999424; or

(2) If the application is for an initial permit, evidence that the outpatient facility has applied for accreditation by a nationally recognized organization approved by the Board pursuant to NAC 449.999424.

3. An applicant for a permit must pay to the Division a nonrefundable fee of ~~[$3,570.]~~ ***$3,820.***

4. An application for a permit is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for a permit within 1 year after the date on which the application was submitted, the applicant must submit a new application and pay the required fee to be considered for a permit.

5. An application for a permit must be submitted for each location of the outpatient facility where a service of general anesthesia, conscious sedation or deep sedation will be offered.

Sec. 15. NAC 449.999423 is hereby amended to read as follows:

449.999423 1. Except as otherwise provided in subsection 3, a holder of a permit to operate an outpatient facility who wishes to renew the permit must submit a completed application for renewal to the Division, on a form prescribed by the Division, not later than 45 days before the date on which the permit expires. In addition to the annual inspection required by NRS 449.446, the Division may require an inspection of the outpatient facility to ensure that it meets the requirements of NRS 449.435 to 449.448, inclusive, and NAC 449.9994 to 449.999489, inclusive, before deciding whether to renew a permit.

2. An applicant for the renewal of a permit to operate an outpatient facility must pay to the Division a nonrefundable fee of ~~[$1,785.]~~ ***$1,910.***

3. A holder of a permit who, without good cause, files an application for the renewal of a permit after the date set forth in subsection 1 but before the expiration of the permit must pay, in

addition to the renewal fee for the permit prescribed in subsection 2, a fee equal to one-half the amount of the fee required for the renewal of the permit pursuant to that subsection.

4. A holder of a permit who fails to file an application for the renewal of the permit before the permit expires is not eligible to renew the permit and, if he or she wishes to be permitted, must submit an application for a new permit pursuant to NAC 449.99942.

Sec. 16. NAC 449.999479 is hereby amended to read as follows:

449.999479 1. In determining the amount of an initial monetary penalty, the Bureau shall consider the severity alone if the severity level is four. In determining the amount of the monetary penalty where the severity level is less than four, both severity and scope must be considered. In determining whether to impose a daily monetary penalty, the Bureau shall consider the severity and scope and the factors indicated for increased and decreased penalties provided in NAC 449.99948 and 449.999482.

2. For initial deficiencies with a severity level of four, an initial monetary penalty of $1,000 per deficiency must be imposed.

3. For initial deficiencies rated with a severity level of three and a scope level of three, a monetary penalty of ~~[$800]~~ ***$856*** per deficiency must be imposed.

4. For initial deficiencies with a severity level of three and a scope level of two or less, an initial monetary penalty of ~~[$400]~~ ***$428*** per deficiency must be imposed.

5. For initial deficiencies with a severity level of two and a scope level of three, an initial monetary penalty of ~~[$200]~~ ***$214*** per deficiency may be imposed. The payment of this monetary penalty must be suspended if the outpatient facility has corrected the deficiencies within the time specified in the plan of correction approved by the Bureau.

6. In addition to any monetary penalty imposed pursuant to this section, the Bureau may impose a monetary penalty of not more than $1,000 per deficiency per day for each day the deficiency continues.

INFORMATIONAL STATEMENT PER NRS 233B.066
LCB FILE NO. R071-26

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

The purpose of the proposed regulations is because the Bureau of Health Care Quality & Compliance (HCQC), is funded primarily by state licensing-related fees. Most of these fees have not changed in more than 15 years, even as operating costs have increased significantly. Inflation alone has risen 39% during that time, reducing HCQC's ability to maintain current service levels. HCQC has also taken on over ten (10) new unfunded programs, higher salary obligations, and a growing number of required inspections and complaint investigations. To continue providing effective oversight and protecting patients, residents, and the public, a fee adjustment is necessary. The proposed regulations amend Nevada Administrative Code (NAC) Chapter 449 and intend to increase fees in NAC 449 by seven percent (7%). Seven percent represents only a fraction of the cumulative inflationary impact over the past 15 years and reflects a measured, responsible approach to ensuring HCQC's continued operational stability while minimizing financial impact on licensed facilities.

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 proposed regulations and a small business impact questionnaire were distributed via email to all facilities licensed pursuant to NAC chapter 449 and other interested parties on March 17, 2026. The questions on the small business impact 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 Comments Received **(18 responses were received out of a minimum of 6,106 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- 15 No - 3	Yes – 3 No - 15	Yes – 12 No – 5	Yes – 4 No – 13

Summary of Responses: The increase seems warranted. Should be an increase in the Medicaid reimbursement. 7% is unfair. Negative impacts on budgets. Small businesses have very low profits. Ongoing regulation changes are burdensome. Workforce shortages.	Summary of Responses: Increased oversight is welcomed; strengthens quality of care. Improves quality assurance. Expected to reduce compliance errors, survey deficiencies, and better stability and efficiencies. High turnover rate.	Summary of Responses: Will cost more. HCQC CHOWs take too long. May have to limit admissions or discontinue services.	Summary of Responses: Proper oversight may reduce costs associated with negative patient outcomes and litigation. May benefit strengthened facility reputations and sustainability.

Please see https://www.hcqc.nv.gov/contentassets/8eb5c7aaa9344e9ca20bdbabf11b8dfb/small-business-impact-statement---r071-26-1.pdf, for all Small Business Impact comments.

Public Workshop – May 13, 2026
The public workshop was attended by several public attendees, on a virtual Teams environment. Two representatives of the industry commented. However, the comments were primarily about other HCQC topics, not specifically about the proposed fee increases. No one from the public attended in-person.

Written Feedback
No written feedback was received from the time results were recorded regarding the small business impact questionnaire, through the date of public hearing and thereafter.

Public Hearing – June 5, 2026
A public hearing was held on June 5, 2026, before the Board of Health. The Agency provided a description of the regulations and a recommendation to the Board. No other testimony was provided either in support or opposition of the regulations and the Board voted to approve the regulations.

How other interested persons may obtain a copy of the summary
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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 – May 13, 2026
The public workshop was attended by several public attendees, on the virtual Teams environment. Two representatives of the industry commented. However, the comments were primarily about other HCQC topics, not specifically about the proposed fee increases. No one from the public attended in-person. No written statements were provided.

Public Hearing – June 5, 2026
There were several individuals that attended the public hearing virtually, including Division of Health Care Purchasing and Compliance staff and Board of Health members. As there were other agenda items on the public hearing agenda it is unknown how many individuals were present specifically for the hearing on the Proposed Regulation R071-26. Of those attending the public hearing, none of the public provided testimony.

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 (1)(a) (b), the Division of Health Care Purchasing and Compliance, before conducting the public workshop for the proposed regulation, made a concerted effort to determine whether the proposed regulations are 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.

After receiving data from the solicitation of small businesses (please see item 2 above) a summary was generated and titled "Small Business Impact Statement". This statement was included in both the notices for the public workshop and the public hearing.

<u>How other interested persons may obtain a copy of the summary</u>
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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 regulation was adopted without changes. The regulation accurately reflected the intent of the agency.

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.

<u>Anticipated effects on the businesses which NAC Chapter 449 regulates:</u>

Adverse Immediate Effects: Small businesses will incur a modest increase in licensing fees due to the seven (7) percent adjustment. Some facilities may need to make minor budget reallocations to absorb the increased fee.

Adverse Long-term Effects: There may be a possible impact on administrative or operational planning, as businesses adjust to accommodate increased costs within annual budgets. Although the fee increase may contribute to cumulative financial pressures within the healthcare sector, it has been deliberately calibrated to ensure its impact remains modest and manageable.

Beneficial Immediate Effects: The fee increase will provide greater financial stability for HCQC, helping ensure timely inspections, complaint investigations, licensing services, and regulatory oversight that small business rely on. The fee increase also supports small facilities by ensuring consistent and reliable regulatory services.

Beneficial Long-term effects: Beneficial long-term effects may include reducing the likelihood of service interruptions or delays in inspections and licensing processes due to staffing or resource shortages. Other benefits will include enhanced capacity within the Division to modernize data/information systems and improve communication processes, indirectly benefiting all providers. This will also strengthen statewide health and safety infrastructure, creating a more stable operating environment for regulated businesses.

Anticipated effects on the public:

Adverse Immediate Effects: Potential reduction in services or service availability if some small providers adjust operations in response to cost pressures.

Adverse Long-term Effects: Some businesses may pass on increased operational costs to clients, which could impact individuals on fixed or low incomes.

Beneficial Immediate Effects: The fee increases will have minimal immediate effects on the public. The public will benefit from continued regulatory oversight without interruption.

Beneficial Long-term effects: Long-term, the fee increases will provide enhanced consumer protection and safer licensed facilities due to adequately resourced inspections and regulatory functions. There will also be increased public trust in the healthcare and residential facility system as stronger oversight reduces adverse events and ensures consistent quality standards. There will also be long-term improvement in statewide health and safety infrastructure.

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

The estimated cost to the agency for enforcement of the proposed regulations is negligible since licensure application fees are established to cover the costs of regulating health care facilities.

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 federal or State of Nevada 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;**

There are no other state or federal regulations addressing 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 proposed seven percent (7%) increase on our fee budget of $10.6 million would generate an additional $742,000 which will be used to:

- Ensure timely inspections and surveys of licensed health facilities for compliance and safety.
- Meet increased salary obligations for compliance officers, surveyors, and investigators.
- Conduct a growing number of required complaint investigations and follow-up monitoring to respond effectively to incidents.
- Modernize the licensing infrastructure to enhance online licensing database enhancements, and public-facing service.

SMALL BUSINESS IMPACT STATEMENT 2026

PROPOSED AMENDMENTS TO NAC 449

The Nevada Health Authority (NVHA), Health Care Purchasing and Compliance Division, The Bureau of Health Care Quality and Compliance (HCQC) has determined the proposed regulations may have a minimal adverse financial impact upon small businesses. It is anticipated the proposed regulations will not directly restrict the formation, operation or expansion of a small business.

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 Bureau of Health Care Quality & Compliance (HCQC), is funded primarily by state licensing related fees. The Division currently licenses over 2,222 health care entities (e.g., hospitals, nursing homes, home health agencies, outpatient clinics). Data is not available indicating which of these are also small businesses. Most of these fees have not changed in more than 15 years, even as operating costs have increased significantly. Inflation alone has risen 39% during that time, reducing HCQC's ability to maintain current service levels. HCQC has also taken on over ten (10) new unfunded programs, higher salary obligations, and a growing number of required inspections and complaint investigations. To continue providing effective oversight and protecting patients, residents, and the public, a fee adjustment is necessary.

The proposed regulations amend Nevada Administrative Code (NAC) Chapter 449 and intend to increase fees in NAC 449 to seven percent (7%).

Seven percent (7) percent represents only a fraction of the cumulative inflationary impact over the past 15 years and reflects a measured, responsible approach to ensuring HCQC's continued operational stability while minimizing financial impact on licensed facilities.

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 Health Care Purchasing and Compliance Division 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 Health Care Association, Nevada Hospital Association, and Nevada Rural Hospital Partners. Trade associations and chambers of commerce are often enrolled in the HCQC email lists. HCQC utilizes a very thorough outreach, contacting the business owners and facility personnel directly. On March 17, 2026, an email with a link to the Small Business Impact Questionnaire and proposed regulations was sent to 6,106 actively licensed facilities, hospitals, agencies, programs, and other interested parties, listed in NRS/NAC 449 on March 17, 2026. The questions on the questionnaire were:

1) Will the regulations have any adverse economic effect upon your license?
2) Please list each which items and explain the adverse impact. Indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation.
3) Will the regulation(s) have any beneficial effect upon your business?
4) If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount.
5) Do you anticipate any indirect adverse effects upon your business?
6) Please explain the indirect adverse effects.
7) Do you anticipate an indirect beneficial effects upon your business?
8) Please explain the indirect beneficial effects.

Summary of Responses

Summary of Comments Received (18 responses were received out of a minimum of 6,106 small business impact questionnaires distributed)	
1) Will the regulations have any adverse economic effect upon your license?	Yes- 15 No - 3
2)Please list each which items and explain the adverse impact. Indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation.	***Comment:*** With an increase in cost which I do believe is much warranted, the additional financial burden falls solely on the facility as there has not been an increase in the Medicaid reimbursement. ***Comment:*** We already don't collect enough revenue to pay the large licensing fees. The state needs to increase revenue for providers so we can afford to pay these fees. Fee schedules should have been adjusted along with the licensure fees. ***Comment:*** A 7% increase is unfair to small businesses. This state needs a CON law not more home health and hospice agencies. ***Comment:*** Pending Medicare's 855 approval, the increased costs will negatively impact on our budget, as we are not currently operational. ***Comment:*** Increase fees by seven percent (7%)

Comment: 1. small businesses have very low profit. 2. in our case we cater to low-income clients and about up to 30% of our clients are Medicaid client. The reimbursement from Medicaid on a daily basis are $ 34.50 , $78, and $103 for levels 1,2 and 3 respectively. These rates are too low with their SS of about $1000.

If you could exempt from the increase all Medicaid client provider that may help but certainly your increase will adversely affect us economically.

Comment: In response to the inquiry regarding the adverse impact of the adopted regulations:

The cumulative effect of ongoing regulatory changes in healthcare has created a significant operational and financial burden, particularly for small, independently operated providers. These impacts are not attributable to a single regulation but to the compounding effects of multiple requirements implemented over time.

Key areas of adverse impact include:

Increased Administrative Burden:
Expanded documentation, compliance tracking, and reporting requirements necessitate additional administrative time and/or staffing.
Estimated annual cost impact: $15,000–$30,000, based on increased personnel hours or contracted compliance support.

Rising Staffing Costs and Shortages:
Workforce shortages have led to increased wages, overtime, and reliance on temporary or agency staff to maintain regulatory compliance and patient care standards.
Estimated annual cost impact: $40,000–$100,000, depending on staffing gaps and market rates.

Operational Cost Increases (Inflationary Pressures):
Over the past 15+ years, inflation has significantly increased the cost of medical supplies, equipment, rent, utilities, and vendor services. Regulatory requirements often necessitate higher-grade or specialized resources, further increasing expenses.
Estimated annual cost impact: $25,000–$75,000, based on vendor price escalations and required materials.

Expanded Scope of Compliance Requirements:
New and evolving regulations require ongoing staff training, policy revisions, legal consultation, and system updates.
Estimated annual cost impact: $10,000–$25,000, including training, consulting, and implementation.

In aggregate, the estimated annual financial impact for a small healthcare provider ranges from approximately $90,000 to $230,000. These figures are based on conservative estimates of increased labor, administrative time, vendor costs, and compliance-related expenditures.

While regulatory oversight is essential to ensure patient safety and quality of care, consideration should be given to the disproportionate impact on small businesses. Many providers remain deeply committed to serving vulnerable, marginalized, and underserved populations despite these challenges. A balanced approach that

	supports both compliance and sustainability would help ensure continued access to care within the community. ***Comment:*** The big, beautiful bill has already greatly cut the payments to home health. With increased fees and payments cuts would greatly impact on small business We are in a business where we can't raise prices to offset the cost of providing services. 7% x 3500.00 licensing fee. ***Comment:*** The cost of doing business, specifically, paying for caregivers has been increasing throughout the years while the cost that most of the residents can afford is very minimal and at some instances they are paying less than the services they are receiving. A lot of small group home business owners are just struggling to keep up with the bills, the high cost of professional liability insurance, the utilities, the rent/mortgage, the cost of food to feed the residence, and to mention again the cost for caregivers. Only established group home business owners will not feel the impact of this, but we will. ***Comment:*** This is unclear but with <25 employees, any increase in fees would impact me negatively. My liability and workers comp insurance increased 50% in on year. My team is asking for raises and I already pay them much higher than average. ***Comment:*** Because our clients are all from mental health and their payment is based on tiers
3)Will the regulation(s) have any beneficial effect upon your business?	Yes – 3 No – 15
4)If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount.	***Comment:*** I always welcome increased and improved oversight. It helps strengthen the quality of care we provide to our residents while also ensuring accountability and adherence to proper practices. We continually strive to be the best, but we recognize that there are individuals who require closer and more frequent supervision to maintain those standards. ***Comment:*** Unsure ***Comment:*** Yes, the adopted regulations may have beneficial effects on our business in several important areas, particularly in promoting standardization, quality assurance, and risk mitigation across healthcare delivery systems. Key anticipated benefits include: Improved Standardization of Care and Processes: Enhanced regulatory guidance can help establish clearer operational expectations, reducing ambiguity in clinical and administrative practices. This may lead to improved efficiency over time as workflows become more structured and consistent. Estimated cost savings: $5,000–$10,000 annually, based on reduced variability in processes and decreased time spent on internal corrections or rework. Reduction in Compliance-Related Errors and Penalties:

	Clearer regulations and structured compliance frameworks may reduce the likelihood of deficiencies during audits, surveys, or reviews (e.g., ADRs), potentially avoiding costly penalties, recoupments, or corrective action plans. Estimated cost avoidance/savings: $10,000–$25,000 annually, based on reduced risk exposure and fewer compliance-related liabilities. Enhanced Staff Training and Competency Alignment: Standardized requirements support more focused and consistent staff education, which may improve productivity and reduce inefficiencies caused by miscommunication or inconsistent practices. Estimated cost savings: $3,000–$8,000 annually, based on reduced retraining needs and improved staff performance. Long-Term Operational Stability and Sustainability: While initial implementation may be resource-intensive, well-defined regulatory frameworks can support long-term operational stability by aligning expectations across payors, providers, and regulatory bodies. This may reduce the need for frequent reactive adjustments to changing requirements. Estimated indirect savings: $5,000–$15,000 annually, based on reduced operational disruptions and strategic planning efficiencies. Overall, the estimated annual cost savings or cost avoidance associated with these regulations' beneficial effects may range from approximately $23,000 to $58,000. These benefits are primarily realized through improved operational clarity, reduced compliance risks, and enhanced workforce alignment. However, it is important to note that these potential savings may be offset by the high upfront and ongoing costs of implementing and maintaining compliance with evolving regulatory standards. A balanced regulatory approach that continues to support both quality assurance and operational feasibility will be essential in ensuring that healthcare providers can sustain these benefits while continuing to deliver care to vulnerable and underserved populations.
5)Do you anticipate any indirect adverse effects upon your business?	Yes – 12 No – 5 Unanswered –1
6)Please explain the indirect adverse effects.	***Comment:*** It's going to cost more ***Comment:*** Unsure ***Comment:*** Increase in operating costs will lead to having to raise customer prices which will price out more seniors on a fixed income. ***Comment:*** Increase fees always have a negative effect on an operation. The biggest problem I however is the length of time it takes HCQC to review an application, either a new home or a CHOW. An operator submits an application with the appropriate fee and waits months to receive notification. During that period, 8-12 months, the home cannot generate revenue. When questioned HCQC's response is that they have a more applications than they can deal with. Since the number of homes in the Las Vegas area has not increased by a great percentage over the past decade, I have come to the conclusion that there must be inefficiencies in the department, and it probably needs

an external operational audit. If you want to increase fees, process the applications quicker.

Comment: WE may decide not to accept Medicaid clients and lose revenues.

Comment: Yes, indirect adverse effects are anticipated as a result of the adopted regulations. While not always immediately measurable, these impacts influence operational sustainability, workforce stability, and patient access over time.

Key indirect adverse effects include:

Reduced Access to Care for Patients:
As operational costs and compliance demands increase, smaller providers may be forced to limit admissions, reduce service areas, or discontinue certain services. This may disproportionately affect vulnerable, underserved, and rural populations who already face barriers to care.
Estimated indirect financial impact: $20,000–$60,000 annually, based on reduced patient census and constrained service capacity.

Provider Burnout and Workforce Strain:
Increased administrative and regulatory responsibilities may shift clinician time away from direct patient care, contributing to staff fatigue, decreased job satisfaction, and potential turnover. Recruitment and retention challenges may further increase reliance on higher-cost staffing solutions.
Estimated indirect cost impact: $15,000–$50,000 annually, based on turnover, onboarding, and temporary staffing needs.

Delayed Innovation and Growth Initiatives:
Resources that could otherwise be allocated to program expansion (e.g., palliative care, telehealth, community outreach) may instead be redirected to maintain regulatory compliance. This may limit the organization's ability to innovate or respond proactively to community needs.
Estimated indirect opportunity cost: $10,000–$40,000 annually, based on deferred or reduced program development.

Increased Administrative Complexity and Decision-Making Delays:
Layered regulatory requirements may slow internal processes, including patient onboarding, care coordination, and operational decision-making, resulting in inefficiencies that are not always directly quantifiable but impact overall productivity.
Estimated indirect cost impact: $5,000–$15,000 annually, based on workflow delays and administrative inefficiencies.

In conclusion, the total estimated indirect adverse financial impact may range from approximately $50,000 to $165,000 annually. These figures reflect reduced operational flexibility, workforce-related challenges, and opportunity costs associated with compliance-driven resource allocation.

While these indirect effects may not be immediately visible in financial statements, they have meaningful implications for long-term sustainability and for smaller healthcare providers' ability to continue delivering high-quality care. Consideration of these downstream impacts is essential in ensuring that regulatory frameworks do not unintentionally limit access to care or strain already resource-constrained providers.

Comment: 1. Increased costs could have us cut services to patients to offset the fees

	Comment: hard to determine but any increase will have a negative impact ***Comment:*** Higher turnover rate due to having to compensate for the costs that were imposed. Small businesses would have to find that money within other budgets. Most likely the payroll expense suffers causing a decrease in the quality of candidates for employment. This decrease will affect the quality of care provided to residents resulting in a decline in average monthly costs for residents to pay, etc.
7)Do you anticipate an indirect beneficial effects upon your business?	Yes – 4 No – 13 Unanswered – 1
8)Please explain the indirect beneficial effects.	***Comment:*** I believe oversight benefits the Healthcare continuum overall and reduces the exorbitant costs associated with negative patient outcomes and litigation. ***Comment:*** i want the quality of work done by the state to be able to function financially. ***Comment:*** Increased fees affect the bottom line of an income statement ***Comment:*** Yes, indirect beneficial effects are anticipated as a result of the adopted regulations. While these benefits may not be immediately quantifiable, they contribute to long-term improvements in quality, trust, and system-wide alignment within healthcare delivery. Key indirect beneficial effects include: Strengthened Reputation and Trust in Quality of Care: Consistent regulatory standards may enhance public and professional confidence in healthcare providers who meet or exceed compliance expectations. This may lead to stronger relationships with referral sources, patients, and payors over time. Estimated indirect financial benefit: $10,000–$30,000 annually, based on improved patient retention and referral growth. More Equitable Competitive Landscape: Increased regulatory oversight may help ensure that all providers operate under similar standards, reducing the likelihood of non-compliant entities gaining unfair competitive advantages. This may support sustainability for providers who prioritize ethical and compliant practices. Estimated indirect financial benefit: $5,000–$20,000 annually, based on stabilized market share. Enhanced Care Coordination and Interdisciplinary Collaboration: Standardized regulatory expectations may improve communication and alignment among healthcare teams, referral networks, and ancillary services, leading to more efficient and coordinated patient care. Estimated indirect efficiency-related benefit: $5,000–$15,000 annually, based on reduced redundancies and improved workflow coordination. Opportunities for Strategic Differentiation and Program Development: Providers who successfully integrate compliance into their operations may leverage this as a foundation for growth in areas such as palliative care, telehealth, and specialized services. This creates opportunities to expand responsibly while maintaining regulatory alignment. Estimated indirect opportunity value: $10,000–$40,000 annually, based on program expansion and service diversification. In conclusion, the total estimated indirect beneficial impact may range from approximately $30,000 to $105,000 annually, primarily through improved reputation, competitive balance, operational alignment, and opportunities for sustainable growth. Although these benefits may develop gradually over time, they highlight the potential for regulatory frameworks to support not only compliance, but also long-term system integrity and quality-driven care. A balanced approach that continues to recognize both the challenges and opportunities faced by smaller providers will be essential in realizing these indirect advantages. If

	we step back for a second—this whole set of your answers now tells a complete story: Direct adverse → the burden; Direct beneficial → the structure; Indirect adverse → the hidden strain; Indirect beneficial → the long-term value

Responses were received from six (6) businesses that did not meet the definition of a small business and are not included in this summary.

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to:

Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Phone: 775-684-1070
Email: pio@nvha.nv.gov

2) Describe the manner in which the analysis was conducted.

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 to 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: The fee increase will provide greater financial stability for the HCQC, helping ensure timely inspections, complaint investigations, licensing services, and regulatory oversight that small business rely on. The fee increase also supports small facilities by ensuring consistent and reliable regulatory services.

Indirect Beneficial Effects: Indirect beneficial effects (some of which may produce direct beneficial effects) will include reducing the likelihood of service interruptions or delays in inspections and licensing processes due to staffing or resource shortages. Other benefits will include enhanced capacity within the Division to modernize data/information systems and improve communication processes, indirectly benefiting all providers. This will also strengthen statewide health and safety infrastructure, creating a more stable operating environment for regulated businesses.

Direct Adverse Effects: Small businesses will incur a modest increase in licensing fees due to the seven (7) percent adjustment. Some facilities may need to make minor budget reallocations to absorb the increased fee.

Indirect Adverse Effects: There is a possible impact to administrative or operational planning, as businesses adjust to accommodate increased costs within annual budgets. Although the fee increase

may contribute to cumulative financial pressures within the healthcare sector, it has been deliberately calibrated to ensure its impact remains modest and manageable.

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 considered several methods to reduce the impact of the proposed seven percent (7%) fee increase on small businesses and incorporated those measures where feasible. As required by NRS 233B.0608(2)(a), the Division solicited input from affected small businesses by emailing 6,106 actively licensed facilities, hospitals, agencies, programs, and homes listed in NRS 449, providing access to the Small Business Impact Questionnaire and the proposed regulations. In developing the regulation, the Division evaluated approaches to lessening financial and administrative burden, including limiting the fee increase to a modest seven percent (7%)—well below the cumulative inflationary impact over the past 15 years—and ensuring the adjustment remained proportionate for smaller providers. The agency also reviewed whether operational efficiencies or regulatory simplifications could offset costs and incorporated several streamlining measures in related regulatory sections to reduce administrative workload for smaller entities.

After assessing these options, the Division determined a minimal fee adjustment was necessary to support the HCQC's ability to carry out mandated inspections, investigations, and oversight activities, but used the mitigation methods available by keeping the increase as low as possible while maintaining essential public health and safety functions.

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

There are no anticipated costs to the agency for enforcement of the proposed regulations.

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

The Division currently licenses over 2,222 health care entities (e.g., hospitals, nursing homes, home health agencies, outpatient clinics). Data is not available indicating which of these are also small businesses.

- With average renewal and initial fees ranging from approximately $1,000 to $14,000, the conservative estimate is that the cumulative fee base is approximately $10.6 million annually.
- The proposed seven percent (7%) increase on $10.6 million would generate an additional $742,000 million which will be used to:
- Ensure timely inspections and surveys of licensed health facilities for compliance and safety.
- Meet increased salary obligations for compliance officers, surveyors, and investigators.
- Conduct a growing number of required complaint investigations and follow-up monitoring to respond effectively to incidents.
- Modernize the licensing infrastructure to enhance online licensing database enhancements, and public-facing service

By reinvesting these funds, the Division aims to restore operational capacity eroded by inflation and the increased workload, ensuring that oversight remains robust and responsive for the benefit of patients, residents, and healthcare providers.

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 known duplicate or more stringent provisions regulating the same activity.

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 reviewing 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, Cynthia Leech, Administrator of the Health Care Purchasing and Compliance Division 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 *Cynthia Leech* Cynthia Leech (Apr 23, 2026 16:00:47 PDT) Date: 04/23/2026

ADOPTED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R072-26

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

AUTHORITY: § 1, NRS 439.150, 439.200, 457.240, 652.100 and 652.125; § 2, NRS 439.200, 652.123, 652.130 and 652.260.

A REGULATION relating to medical laboratories; revising certain fees relating to the licensure and operation of a medical laboratory; revising the amount of certain monetary penalties imposed for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Health is authorized to set reasonable fees for the licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Care Purchasing and Compliance Division of the Nevada Health Authority. (NRS 439.150) Existing law requires the operator of a medical laboratory to obtain a license from the Division. (NRS 652.035, 652.080) **Section 1** of this regulation revises the amount of certain fees that must be charged for: (1) the issuance, renewal and reinstatement of the licensure and registration of certain medical laboratories; (2) the certification of certain personnel; and (3) the performance of certain actions. (NAC 652.488)

Existing law authorizes the Division to impose an administrative penalty on a person or laboratory which violates chapter 652 of NRS and any regulations adopted pursuant thereto, the provisions of which govern the operation of medical laboratories in this State. Existing law additionally authorizes the Board to adopt regulations to carry out the provisions governing the imposition of such penalties. (NRS 652.260) **Section 2** of this regulation revises the amount of certain monetary penalties imposed by the Division. (NAC 652.550)

Section 1. NAC 652.488 is hereby amended to read as follows:

652.488 1. Except as otherwise provided in this section, the following fees will be charged:

(a) Licensure of laboratory not described in paragraph (b), (c) or (d)

Initial:

Annual test volume less than 25,000 ..... ~~[$1,100]~~ ***$1,177***

Annual test volume at least 25,000 but less than 100,000..... ~~[3,000]~~ ***3,210***

Annual test volume 100,000 or more ..... ~~[4,000]~~ ***4,280***

Biennial renewal:

Annual test volume less than 25,000 ..... ~~[800]~~ ***856***

Annual test volume at least 25,000 but less than 100,000..... ~~[2,500]~~ ***2,675***

Annual test volume 100,000 or more ..... ~~[3,500]~~ ***3,745***

Reinstatement:

Annual test volume less than 25,000 ..... ~~[1,100]~~ ***1,177***

Annual test volume at least 25,000 but less than 100,000..... ~~[3,000]~~ ***3,210***

Annual test volume 100,000 or more ..... ~~[4,000]~~ ***4,280***

(b) Licensure of laboratory operated by health district, district board of health, county board of health or city or town board of health, or the State Public Health Laboratory

Initial:

Annual test volume less than 25,000 ..... ~~[$550]~~ ***$589***

Annual test volume at least 25,000 but less than 100,000..... ~~[800]~~ ***856***

Annual test volume 100,000 or more ..... ~~[1,150]~~ ***1,230***

Biennial renewal:

Annual test volume less than 25,000 ..... ~~[400]~~ ***428***

Annual test volume at least 25,000 but less than 100,000..... ~~[600]~~ ***642***

Annual test volume 100,000 or more ..... ~~[800]~~ ***856***

Reinstatement:

Annual test volume less than 25,000 ..... ~~[$550]~~ ***589***

Annual test volume at least 25,000 but less than 100,000 ..... ~~[$800]~~ ***856***

Annual test volume 100,000 or more ..... ~~[$1,150]~~ ***1,231***

(c) Licensure of laboratory only for the collection of specimens

Initial ..... ~~[$500]~~ ***$535***

Biennial renewal ..... ~~[$300]~~ ***321***

Reinstatement ..... ~~[$500]~~ ***535***

(d) Licensure of HIV testing laboratory

Initial ..... ~~[$150]~~ ***$161***

Biennial renewal ..... ~~[$150]~~ ***161***

(e) Licensure of director pursuant to paragraph (b) of subsection 3 of NAC 652.175 or NAC 652.380 to 652.395, inclusive

Initial ..... ~~[$500]~~ ***$535***

Biennial renewal ..... ~~[$300]~~ ***321***

Reinstatement ..... ~~[$500]~~ ***535***

(f) Registration of laboratory operated pursuant to NRS 652.072 which is nonexempt pursuant to NAC 652.155

Initial ..... ~~[$1,500]~~ ***$1,605***

Biennial renewal ..... ~~[$900]~~ ***963***

Reinstatement ..... ~~[$1,500]~~ ***1,605***

(g) Registration of laboratory operated pursuant to NRS 652.072 which is exempt pursuant to NAC 652.155

Initial ..... ~~[$500]~~ ***$535***

Biennial renewal..... ~~[300]~~ ***321***

(h) Certification of personnel

Initial:

General supervisor..... ~~[$225]~~ ***$241***

Technologist..... ~~[113]~~ ***121***

Technician..... ~~[113]~~ ***121***

Pathologist's assistant..... ~~[113]~~ ***121***

Point-of-care test analyst..... ~~[75]~~ ***80***

Laboratory, blood-gas or office laboratory assistant..... ~~[60]~~ ***64***

Biennial renewal:

General supervisor..... ~~[150]~~ ***161***

Technologist..... ~~[75]~~ ***80***

Technician..... ~~[75]~~ ***80***

Pathologist's assistant..... ~~[75]~~ ***80***

Point-of-care test analyst..... ~~[60]~~ ***64***

Laboratory, blood-gas or office laboratory assistant..... ~~[45]~~ ***48***

Reinstatement:

General supervisor..... ~~[225]~~ ***241***

Technologist..... ~~[113]~~ ***121***

Technician..... ~~[113]~~ ***121***

Pathologist's assistant..... ~~[113]~~ ***121***

Point-of-care test analyst..... ~~[75]~~ ***80***

Laboratory, blood-gas or office laboratory assistant..... ~~[60]~~ ***64***

(i) Placement of license or certificate in inactive status ..... ~~[$50]~~ ***$54***

(j) Issuance of original duplicate license or certificate ..... ~~[$50]~~ ***$54***

(k) Permit to operate laboratory at temporary location..... ~~[$300]~~ ***$321***

(l) Change of location of laboratory ..... ~~[$300]~~ ***$321***

(m) Change of director of laboratory ..... ~~[$300]~~ ***$321***

(n) Change of name of laboratory ..... ~~[$300]~~ ***$321***

(o) Inspection following receipt of an application to perform additional tests at a laboratory (per application)..... ~~[$300]~~ ***$321***

(p) Inspection of an outpatient center of a laboratory (per site)

Initial inspection..... ~~[$300]~~ ***$315***

Inspection at time of biennial renewal ..... ~~[150]~~ ***158***

2. If the Division conducts an inspection of a laboratory that is located outside of this State, the Division shall assess the expenses that the Division incurs as a result of the inspection to the laboratory. The laboratory shall reimburse the Division for the expenses assessed pursuant to this subsection.

3. The Division shall not charge or collect a fee set forth in paragraph (l), (m) or (n) of subsection 1 to an HIV testing laboratory.

4. The holder of or an applicant for a license or certificate issued pursuant to chapter 652 of NRS, or an applicant for a permit to operate a laboratory at a temporary location issued pursuant to NAC 652.195, shall be deemed to have paid any fee otherwise required pursuant to subsection 1 if the holder or applicant:

(a) Is, or is employed by, a medical laboratory that is operated by a person, governmental entity or fire-fighting agency that holds a permit issued by a health authority pursuant to NRS 450B.200; and

(b) Has paid the fee for the permit established by a board pursuant to NRS 450B.200.

5. Upon the renewal of a license to operate a laboratory, other than an HIV testing laboratory, the licensee shall pay to the Division a fee equal to 6 percent of the biennial renewal fee set forth in subsection 1. 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. As used in this section:

(a) "Board" has the meaning ascribed to it in NRS 450B.060.

(b) "Health authority" has the meaning ascribed to it in NRS 450B.077.

(c) "Permit" has the meaning ascribed to it in NRS 450B.100.

Sec. 2. NAC 652.550 is hereby amended to read as follows:

652.550 1. In determining the amount of a monetary penalty, the Division:

(a) For a first violation with a severity level of four, shall impose a monetary penalty of ~~[$1,000]~~ ***$1,070*** per violation.

(b) For a first violation with a severity level of three, shall impose a monetary penalty of ~~[$800]~~ ***$856*** per violation.

(c) For a first violation with a severity level of two, may impose a monetary penalty of ~~[$100]~~ ***$107*** per violation. The Division may suspend this penalty if the laboratory corrects the violations within the time specified in the plan of correction submitted to the Division pursuant to NAC 652.320.

(d) For a second violation with a severity level of four discovered during any subsequent inspection, shall impose a monetary penalty of ~~[$5,000]~~ ***$5,350*** per violation.

(e) For a second violation with a severity level of three discovered during any subsequent inspection, shall impose a monetary penalty of ~~[$1,600]~~ ***$1,712*** per violation.

(f) For a second violation with a severity level of two discovered during any subsequent inspection, may impose a monetary penalty of ~~[$200]~~ ***$204*** regardless of whether a penalty was imposed for the first violation.

(g) For a third or subsequent violation with a severity level of four discovered during any subsequent inspection, shall impose a monetary penalty of ~~[$10,000]~~ ***$10,700*** per violation.

(h) For a third or subsequent violation with a severity level of three discovered during any subsequent inspection, shall impose a monetary penalty of ~~[$3,200]~~ ***$3,424*** per violation.

(i) For a third or subsequent violation with a severity level of two discovered during any subsequent inspection, may impose a monetary penalty of ~~[$400]~~ ***$428*** per violation regardless of whether a first or second monetary penalty was imposed.

2. The Division shall not impose a monetary penalty for a violation with a severity level of one.

3. If the same violation that was discovered during the initial inspection is found during a subsequent inspection conducted to evaluate compliance with a plan of correction submitted to the Division pursuant to subsection 5 of NAC 652.320, there is a rebuttable presumption that the violation continued through the period between the inspection and the subsequent inspection. The Division may impose an additional monetary penalty for such a violation only if the subsequent inspection is made and the violation is found to be present after the laboratory has been notified of the violation and given an opportunity to correct the violation.

4. A laboratory may, upon approval by the Division, use a monetary penalty that would otherwise be imposed by the Division to correct the violation and to put measures in place to prevent the violation from reoccurring. In such a case, the laboratory must provide proof to the Division that the money was used to correct the violation. If the amount of the monetary penalty is greater than the cost to correct the violation, the laboratory must pay to the Division the portion of the monetary penalty that was not used to correct the violation.

INFORMATIONAL STATEMENT PER NRS 233B.066
LCB FILE NO. R072-26

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

The purpose of the proposed regulations is because the Bureau of Health Care Quality & Compliance (HCQC), is funded primarily by state licensing-related fees. Most of these fees have not changed in more than 15 years, even as operating costs have increased significantly. Inflation alone has risen 39% during that time, reducing HCQC's ability to maintain current service levels. HCQC has also taken on over ten (10) new unfunded programs, higher salary obligations, and a growing number of required inspections and complaint investigations. To continue providing effective oversight and protecting patients, residents, and the public, a fee adjustment is necessary. The proposed regulations amend Nevada Administrative Code (NAC) Chapter 652 and intend to increase medical laboratory and laboratory personnel fees in NAC 652 by seven percent (7%). Seven percent represents only a fraction of the cumulative inflationary impact over the past 15 years and reflects a measured, responsible approach to ensuring HCQC's continued operational stability while minimizing financial impact on licensed facilities.

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 proposed regulations and a small business impact questionnaire were distributed via email to all facilities licensed pursuant to NAC chapter 652 and other interested parties on March 17, 2026. The questions on the small business impact 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 Comments Received **(8 responses were received out of a minimum of 23,875 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- 6 No – 2	Yes – 1 No - 7	Yes – 4 No – 4	Yes – 8 No – 0

Summary of Responses: Increasing costs puts burdens on the practice. Contributes to rising operational costs. Seeing more patients does not make more money.	Summary of Responses: Swifter inspections allow a quicker CLIA license and that could save $ Thousands.	Summary of Responses: Cost will be more without reimbursement. May cause loss of providers.	Summary of Responses: No comments.

Please see https://www.hcqc.nv.gov/contentassets/8eb5c7aaa9344e9ca20bdbabf11b8dfb/small-business-impact-statement-r072-26-1.pdf **for all Small Business Impact comments.**

Public Workshop – May 13, 2026
The public workshop was held on May 13, 2026 at 2pm. The workshop was attended by several public attendees, on a virtual Teams environment. No comments nor testimony were made during the workshop. No one from the public attended in-person.

Written Feedback
No written feedback was received from the time results were recorded regarding the small business impact questionnaire, through the date of public hearing and thereafter.

Public Hearing – June 5, 2026
A public hearing was held on June 5, 2026, before the Board of Health. The Agency provided a description of the regulations and a recommendation to the Board. No other testimony was provided either in support or opposition of the regulations and the Board voted to approve the regulations.

How other interested persons may obtain a copy of the summary
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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 – May 13, 2026
The public workshop was held on May 13, 2026 at 2pm. The workshop was attended by several public attendees, on a virtual Teams environment. No comments nor testimony were made during the workshop. No one from the public attended in-person.

Public Hearing – June 5, 2026
There were several individuals that attended the public hearing virtually, including Division of Health Care Purchasing and Compliance staff and Board of Health members. As there were other agenda items on the public hearing agenda it is unknown how many individuals were present specifically for the hearing on the Proposed Regulation R072-26. Of those attending the public hearing, none of the public provided testimony.

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 (1)(a) (b), the Division of Health Care Purchasing and Compliance, before conducting the public workshop for the proposed regulation, made a concerted effort to determine whether the proposed regulations are 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.

After receiving data from the solicitation of small businesses (please see item 2 above) a summary was generated and titled "Small Business Impact Statement". This statement was included in both the notices for the public workshop and the public hearing.

<u>How other interested persons may obtain a copy of the summary</u>
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Claire Walton, EIO at the Division of Health Care Purchasing and Compliance at:

Division of Health Care Purchasing and Compliance
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Clair Walton
Phone: 775-684-1030
Email: cwalton@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.**
No changes/Not Applicable.

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.**

<u>Anticipated effects on the businesses which NAC Chapter 652 regulates:</u>

<u>Adverse Immediate Effects:</u> Medical laboratory small businesses will incur a modest increase in licensing fees due to the seven (7) percent adjustment. Some facilities may need to make minor budget reallocations to absorb the increased fee.

Adverse Long-term Effects: There may be a possible impact on administrative or operational planning, as medical laboratory businesses adjust to accommodate increased costs within annual budgets. Although the fee increase may contribute to cumulative financial pressures within the healthcare sector, it has been deliberately calibrated to ensure its impact remains modest and manageable.

Beneficial Immediate Effects: The fee increase will provide greater financial stability for HCQC, helping ensure timely medical lab inspections, complaint investigations, licensing services, and regulatory oversight that small business rely on. The fee increase also supports small facilities by ensuring consistent and reliable regulatory services.

Beneficial Long-term effects: Beneficial long-term effects may include reducing the likelihood of service interruptions or delays in medical laboratory inspections and licensing processes due to staffing or resource shortages. Other benefits will include enhanced capacity within the Division to modernize data/information systems and improve communication processes, indirectly benefiting all providers. This will also strengthen statewide health and safety infrastructure, creating a more stable operating environment for regulated businesses.

Anticipated effects on the public:

Adverse Immediate Effects: Potential reduction in services or service availability if some small laboratory providers adjust operations in response to cost pressures.

Adverse Long-term Effects: Some laboratory businesses may pass on increased operational costs to clients, which could impact individuals on fixed or low incomes.

Beneficial Immediate Effects: The laboratory fee increases will have minimal immediate effects on the public. The public will benefit from continued regulatory oversight without interruption.

Beneficial Long-term effects: Long-term, the laboratory fee increases will provide enhanced consumer protection and safer licensed facilities due to adequately resourced inspections and regulatory functions. There will also be increased public trust in the healthcare system, and long-term improvement in statewide health and safety infrastructure.

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

The estimated cost to the agency for enforcement of the proposed regulations is negligible since licensure application fees are established to cover the costs of regulating medical laboratory facilities.

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 federal or State of Nevada 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;**

There are no other state or federal regulations addressing 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 proposed seven percent (7%) increase on our medical laboratory fees budget of $1.4 million would generate an additional $98,000 which will be used to:

- Ensure timely inspections and surveys of licensed medical laboratories for compliance and safety.
- Meet increased salary obligations for inspectors and other HCQC staff.

- Conduct a growing number of required complaint investigations and follow-up monitoring to respond effectively to incidents.
- Modernize the licensing infrastructure to enhance online licensing database enhancements, and public-facing service.

SMALL BUSINESS IMPACT STATEMENT 2026

PROPOSED AMENDMENTS TO NAC 652

The Nevada Health Authority (NVHA), Health Care Purchasing and Compliance Division, The Bureau of Health Care Quality and Compliance (HCQC) has determined the proposed regulations have a minimal financial impact upon a small business. It is anticipated the proposed regulations will not limit the formation, operation or expansion of a small businesses.

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

HCQC is funded primarily by state licensing related fees. Most of these fees have not changed in more than 15 years, even as operating costs have increased significantly. Inflation alone has risen 39% during that time, reducing the Division's ability to maintain current service levels. HCQC has also taken on higher salary obligations, and a growing number of required inspections and complaint investigations. To continue providing effective oversight and protecting patients, residents, and the public, a fee adjustment is necessary.

The proposed regulations amend Nevada Administrative Code (NAC) Chapter 652 and intend to increase fees in NAC 652 to seven percent (7%).

Seven percent (7%) represents only a fraction of the cumulative inflationary impact over the past 15 years and reflects a measured, responsible approach to ensuring the Division's continued operational stability while minimizing financial impact on licensed facilities.

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), HCQC requested input from small businesses that may be affected by the proposed regulations.

On March 17, 2026, an email with a link to the Small Business Impact Questionnaire and proposed NAC 652 regulations were emailed to 23,875 actively licensed medical laboratories and laboratory personnel, and other interested parties. Trade associations and chambers of commerce are often enrolled in the HCQC email lists. HCQC utilizes a very thorough outreach, contacting the business owners and lab personnel directly. The questions on the questionnaire were:

1) Will the regulations have any adverse economic effect upon your license?
2) Please list each which items and explain the adverse impact. Indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation.
3) Will the regulation(s) have any beneficial effect upon your business?
4) If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount.
5) Do you anticipate any indirect adverse effects upon your business?
6) Please explain the indirect adverse effects.
7) Do you anticipate an indirect beneficial effects upon your business?
8) Please explain the indirect beneficial effects.

Summary of Responses

Summary of Comments Received (8 responses were received out of 23,875 emails sent to small businesses)	
Will the regulations have any adverse economic effect upon your license?	Yes – 6 No – 2
Please list each which items and explain the adverse impact. Indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation.	**Comment:** Increasing costs to operate when other reimbursement is decreasing puts additional burdens on the practice. The overall reimbursement rate for private offices decreased around 3% before inflation. Now you are asking for a 7% raise; WOW!!! That math does not work out in the favor of any small business. I already work 1 FTE down to cover increases in the cost of goods and services. **Comment:** 100k plus **Comment:** The 7% increase in fees will impact our ability to get accreditation. This is expected to cost us at least $50. **Comment:** The proposed 7% increase in fees will have a direct and cumulative financial impact on our business. As a small healthcare-related organization operating with limited administrative margins, even modest fee increases contribute to rising operational costs. This increase comes at a time when small businesses are already managing higher expenses due to inflation, staffing costs, and compliance requirements. The added regulatory cost further reduces available resources for patient services, staffing, and operational improvements. Unlike larger organizations, small businesses have limited ability to absorb or offset increased regulatory costs. **Comment:** Any increase in any business taxes, licensing, etc. is an economic burden. We cannot recontract with insurance companies to increase our reimbursements

	since most are unwilling to even email back to us, let alone increase our reimbursements. Our costs to run a private office keep increasing exponentially, not just salaries, but supplies, utilities, etc. There is no where to make up the difference. Seeing more patients does not make more money - but it increases costs and product expenses.
Will the regulation(s) have any beneficial effect upon your business?	Yes –1 No – 7
If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount.	**Comment:** If the fee increase allows the DPH to increase the number in inspections happening, then we will benefit from having a sooner expected date for our inspection to get our initial CLIA license. This could save thousands depending on the time saved. **Comment:** No direct financial or operational benefit is anticipated for our business as a result of these proposed changes. While we understand the intent to support HCQC operations, the proposed fee increase does not provide measurable cost savings, efficiencies, or reductions in administrative burden for small businesses. At present, the regulation appears to increase costs without introducing offsetting benefits such as streamlined processes, reduced reporting requirements, or enhanced support services that would mitigate the financial impact. **Comment:** No cost savings.
Do you anticipate any indirect adverse effects upon your business?	Yes – 4 No – 4
Please explain the indirect adverse effects.	**Comment:** continued cost pressures may force early retirement or changes that precipitate additional loss of providers to the State of Nevada. **Comment:** Cost will be more without reimburshment **Comment:** none **Comment:** Already explained.
Do you anticipate an indirect beneficial effects upon your business?	Yes – 8 No – 0
Please explain the indirect beneficial effects.	N/A

Responses were received from two (2) businesses that did not meet the definition of a small business and are not included in this summary.

Any other person interested in obtaining a copy of the summary may e-mail, call, or mail a request to:

Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Phone: 775-684-1070
Email: pio@nvha.nv.gov

2) Describe the manner in which the analysis was conducted.

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 to 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: The fee increase will provide greater financial stability for HCQC, helping ensure timely inspections, complaint investigations, licensing services, and regulatory oversight that small businesses rely on. The fee increase also supports continued regulatory oversight that promotes public trust in licensed laboratories, which may benefit compliant small facilities.

Indirect Beneficial Effects: Indirect beneficial effects (some of which may produce direct beneficial effects) will include reducing the future risk of larger, more abrupt fee increases by implementing a modest, incremental adjustment. The increase will also help maintain program capacity so small businesses experience fewer service delays, improving operational predictability.

Direct Adverse Effects: Small businesses will incur a 7% increase in licensing and renewal fees. Some facilities with narrow operating margins may experience short-term financial strain when adjusting annual budgets.

Indirect Adverse Effects: Increased operational costs may indirectly affect pricing, cost recovery- strategies, or investment decisions for some small facilities. Businesses with historically low compliance resources may experience increased pressure to allocate funds toward regulatory obligations rather than other operational needs.

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 considered several methods to reduce the impact of the proposed seven percent (7%) fee increase on small businesses and incorporated those measures where feasible. As required by NRS

233B.0608(2)(a), the Division solicited input from affected small businesses by emailing 23,875 actively licensed medical laboratories and laboratory personnel, providing access to the Small Business Impact Questionnaire and the proposed regulations. In developing the regulation, the Division evaluated approaches to lessening the financial and administrative burden, including limiting the fee increase to a modest seven percent (7%) well below the cumulative inflationary impact over the past 15 years and ensuring the adjustment remained proportionate for smaller providers. The Division also reviewed whether operational efficiencies or regulatory simplifications could offset costs and incorporated several streamlining measures in related regulatory sections to reduce administrative workload for smaller entities.

After assessing these options, the Division determined a minimal fee adjustment was necessary to support the HCQC's ability to carry out mandated inspections, investigations, and oversight activities, but used mitigation methods available by keeping the increase as low as possible while maintaining essential public health and safety functions.

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

There are no anticipated costs to the agency for enforcement of the proposed regulations.

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

The proposed seven percent (7%) fee increase under NAC 652 is expected to generate additional annual revenue for the HCQC. This estimate reflects current dollar-based licensure and renewal volumes across all categories of medical laboratories that use the NAC 652.488 fee schedule as the baseline, with the 7% adjustment applied. The seven percent (7%) increase on our medical laboratory fees budget of $1.4 million would generate an additional $98,000. All collected funds will be dedicated exclusively to Division's state licensing fee fund, under which will be used to:

- Maintain current service levels amid a 39% inflationary increase over the past 15 years.
- Meet increased salary obligations for licensed facility oversight staff.
- Conduct a growing number of required inspections and complaint investigations.
- Modernize licensing infrastructure to enhance online services and customer experience.

This increase ensures the HCQC's continued ability to protect patients, residents, and the public through effective regulatory oversight including inspections, investigations, and program administration while minimizing costs to small businesses.

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 known duplicate or more stringent provisions regulating the same activity.

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 reviewing 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, Cynthia Leech, Administrator of the Health Care Purchasing and Compliance Division 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 *Cynthia Leech* Cynthia Leech (Apr 23, 2026 15:57:45 PDT) Date: 04/23/2026

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R090-26

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

AUTHORITY: §§ 1-3, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing residency requirements for eligibility to participate in a sanctioned sport; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic activities and events. (NRS 385B.060) Existing regulations prescribe the general requirements for a pupil to be eligible to participate in a sanctioned sport, including certain residency requirements. (NAC 385B.712) **Section 2** of this regulation revises these requirements to require a pupil who is enrolled at a private school to reside within this State to be eligible to participate in a sanctioned sport. **Sections 1 and 3** of this regulation make conforming changes to reflect that a pupil who is enrolled at a private school must reside within this State to be eligible to participate in a sanctioned sport.

Section 1. NAC 385B.706 is hereby amended to read as follows:

385B.706 A pupil is eligible to participate or practice in a sanctioned sport if the pupil:

1. Is enrolled in the 9th, 10th, 11th or 12th grade in a school where he or she is registered to participate in the sanctioned sport;

2. **[**~~Resides within the zone of attendance of the school in accordance~~**]** ***Complies*** with ***the residency requirements prescribed by*** NAC 385B.712;

3. Complies with the regulations of the Association, the school and the school district that has jurisdiction over the school relating to eligibility to participate in a sanctioned sport;

4. Has not received a high school diploma or general equivalency diploma;

5. Is not enrolled full-time at a college, junior college or other postsecondary educational institution;

6. Has not participated on an athletic team of a college, junior college or other postsecondary educational institution; and

7. Has not participated in a sanctioned sport as a professional athlete.

Sec. 2. NAC 385B.712 is hereby amended to read as follows:

385B.712 1. Except as otherwise provided in this section and NRS 385B.130 and 385B.135, to be eligible to participate in a sanctioned sport, a pupil must attend the school that is located in the zone of attendance of the residence of the pupil and his or her parent or legal guardian. When a pupil initially enrolls in a school, one residence of the pupil must be identified as the residence of the pupil within the zone of attendance of the school regardless of the number of homes in which the pupil may actually reside and that school is the pupil's school of residence for the purposes of determining eligibility to participate in a sanctioned sport.

2. A pupil enrolled in a school based on a residential affidavit is not eligible to participate in any sanctioned sport at the school for 180 school days beginning on the date on which the pupil first attends the school.

3. A pupil whose parents are divorced or separated is eligible to participate in a sanctioned sport at the school that is located within the zone of attendance of the residence of the parent having primary physical custody of the pupil as determined pursuant to subsection 1.

4. If the primary physical custody of a pupil whose parents are divorced or separated is jointly shared at the separate residences of the parents and if the pupil:

(a) Was enrolled in a member school at the time of the divorce or separation, the pupil remains eligible to participate in a sanctioned sport at that member school.

(b) Was not enrolled in a member school at the time of the divorce or separation, the school in which the pupil initially enrolls in ninth grade in accordance with subsection 1 is the pupil's school of residence for the purposes of eligibility to participate in a sanctioned sport.

5. A pupil who begins ninth grade at a ~~[private school, charter]~~ ***:***

(a) Charter school, magnet school or vocational or technical school that serves all pupils who are located within the zone of attendance of the residence of a parent or legal guardian of the pupil is eligible to participate in a sanctioned sport at the applicable school.

(b) Private school is eligible to participate in a sanctioned sport at the private school if the residence of a parent or legal guardian of the pupil is located within this State.

6. For the purposes of this chapter, the Association will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159A.205 or 159A.215.

7. A pupil is not eligible to participate in a sanctioned sport at a school that is located within the zone of attendance of the legal guardian of the pupil unless the legal guardian has complied with subsection 3 of NAC 385B.718.

8. As used in this section, "residential affidavit" means an affidavit submitted to a school by the parent or legal guardian of a pupil which indicates that the pupil and his or her parent or legal

guardian reside in the home of another person who is not the pupil's parent or legal guardian and whose home is located within the zone of attendance of the school in which the pupil is located.

Sec. 3. NAC 385B.714 is hereby amended to read as follows:

385B.714 1. The burden of proof rests with a parent or legal guardian of a pupil, or a pupil if he or she is 18 years of age or older and does not live with a parent or legal guardian, to prove to the satisfaction of the school district or the Executive Director, as appropriate, that the pupil has established a residence within the zone of attendance of a school ~~[.]~~ ***or within this State, as applicable.***

2. A pupil who is 18 years of age or older and does not live with a parent or legal guardian must comply with subsection 6 of NAC 385B.718 to establish residency.

3. If a pupil has a new residence, to establish residency pursuant to this section, the pupil or his or her parent or legal guardian must submit to the school district or Executive Director, as appropriate, evidence establishing to the satisfaction of the school district or Executive Director:

(a) The right of the pupil and each parent or legal guardian with whom the pupil resided at the former residence to use the new residence for the purpose of establishing eligibility to participate in a sanctioned sport;

(b) That the new residence is located within the zone of attendance of the school at which eligibility is sought ~~[.]~~ ***or within this State, as applicable;*** and

(c) That the pupil and his or her parent or legal guardian no longer reside at the former residence. Evidence submitted pursuant to this paragraph must include, without limitation, information and documentation establishing that:

(1) The former residence has been sold or transferred from the legal ownership or possession of the parent or legal guardian;

(2) The transfer of personal property ordinarily associated with a legitimate change of residence has been completed; and

(3) The former residence is not currently being used by the parent or legal guardian or by any other relative of the pupil or parent or legal guardian under circumstances in which the school district or Executive Director may reasonably infer that the pupil has not changed residences and the request is an attempt to circumvent the requirements for eligibility to participate in a sanctioned sport prohibited pursuant to NAC 385B.776.

4. The evidence required pursuant to paragraphs (a) and (b) of subsection 3 may include, without limitation:

(a) A document indicating the issuance of the deed for the new residence to the pupil, parent or legal guardian;

(b) A document indicating the pupil, parent or legal guardian leases the entire new residence and the previous occupants of the new residence have vacated the new residence;

(c) A bill for the payment of utility services, including a bill for power, gas, water, sewer or garbage service at the new residence;

(d) A driver's license or certificate of registration of a vehicle that includes the address of the new residence;

(e) An order or decree issued by a court of competent jurisdiction declaring that the parent or the legal guardian described in subsection 3 of NAC 385B.718 with whom the pupil resides at the new residence has been awarded primary physical custody of the pupil; and

(f) Any other evidence indicating that the pupil and the parent or legal guardian reside at the new address, as requested by the school district or Executive Director.

5. If a pupil establishes eligibility to participate in a sanctioned sport pursuant to this section and, within 1 year after establishing that eligibility, reestablishes a residence in his or her former school district or zone of attendance, the pupil is ineligible to participate in any sanctioned sport at the former school for 180 school days.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R090-26

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 amendment is necessary to create equity across all school types in regards to the zone of attendance. Per NRS 385B.045, the zone of attendance is established by the board of trustees. As private schools do not have a board of trustees, an amendment to several regulations is necessary to ensure private schools have zones of attendance within the state of Nevada as public schools.

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 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 emailed 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

   On March 6, 2026, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board of Control at a board meeting held on April 14, 2026, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 4 day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi
Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle

Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 April 14, 2026, 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 amends current regulations NAC 385B.706, 385B.712, and 385B.714 regarding the zone of attendance for private schools. To create equity amongst all school types, the amendment establishes that private school students must reside within the state of Nevada. Those who do not shall fall within regulations pertaining to out of zone waivers as would apply to students attending any other type of school while residing out of the zone of attendance.

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 April 9, 2026. 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 March 6, 2026:

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. 090-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

R091-26

ADOPTED REGULATION OF THE

NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R091-26

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 the agenda for a meeting of a Board of Control of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic activities and events. (NRS 385B.060) Existing regulations govern the procedure for a meeting of the Board of Control of the Association and authorize a member school, a member of the Board and a member of the Legislative Commission to submit an item for inclusion on the agenda for a meeting of the Board under certain circumstances. (NAC 385B.124, 385B.126) Existing regulations also authorize the Board to add certain nonaction items to the agenda for a meeting by majority vote at the beginning of the meeting. (NAC 385B.126)

Section 1 of this regulation requires a member school that submits an item for inclusion on the agenda for a meeting of the Board to submit the item using a process approved by the Association.

Section 2 of this regulation: (1) requires a member of the Board and a member of the Legislative Commission to submit an item for inclusion on the agenda for a meeting of the Board using a process approved by the Association; (2) requires a member of the Board to submit such an item not less than 14 days before the meeting; and (3) removes the authority of the Board to add certain nonaction items to the agenda at the beginning of a meeting.

Section 1. NAC 385B.124 is hereby amended to read as follows:

385B.124 1. If a member school wishes to submit an item for inclusion on an agenda for a meeting of the Board, the member school shall, if required by the school district in which the

member school is located, submit the item to the superintendent of schools of that school district. A member school shall not submit an item pursuant to this section in violation of any policy of the school district in which the member school is located.

2. Any item that is submitted to the Board pursuant to this section must be:

(a) Signed by the principal of the member school; ~~[and]~~

(b) Submitted to the Board not less than 14 days before the date of the meeting ~~[.]~~ ***; and***

(c) Submitted using a process approved by the Association.

Sec. 2. NAC 385B.126 is hereby amended to read as follows:

385B.126 1. A member of the Board may submit an item for inclusion on an agenda for a meeting of the Board ~~[at any time before the meeting.]~~ ***not less than 14 days before the meeting using a process approved by the Association.***

2. If a member of the Legislative Commission submits an item for inclusion on an agenda for a meeting of the Board not less than 14 days before the meeting ~~[,]~~ ***using a process approved by the Association,*** the Board shall include that item on the agenda and consider the item at the meeting.

3. The Board shall not consider an item that is submitted for inclusion on an agenda for a meeting of the Board pursuant to this section and NAC 385B.124 if the item is not submitted in accordance with those sections. ~~[The Board may, by a majority vote of the members of the Board at the beginning of a meeting of the Board, add to the agenda for that meeting an item for which the Board will not take any action.]~~

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R091-26

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 amendment is necessary to ensure processes and procedures for the submission of agenda items for NIAA Board of Control meetings comply with Nevada Open Meeting Law (OML). Previous language allowed for items to be added by Board members at any time and by majority vote at the beginning of a meeting, both of which would be violation of OML. Language regarding a process for submission approved by the Association was added to create clear and consistent processes and procedures within the Association.

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 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 emailed 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

   On March 6, 2026, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board

of Control at a board meeting held on April 14, 2026, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 4 day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi

Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 April 14, 2026, 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 amends current regulations NAC 385B.124 and 385B.126 regarding the submission of agenda items for NIAA Board of Control meetings. Amendments include specifying a process established by the Association and ensuring all items are submitted at least 14 days prior to the meeting to comply with Nevada Open Meeting Law.

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 April 9, 2026. 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 March 6, 2026:

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. 091-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

R092-26

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R092-26

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 football games and tournaments; establishing deadlines for the registration of certain officials relating to flag football; repealing certain provisions relating to baseball and softball; 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 athletics and other events. (NRS 385B.050, 385B.060)

Existing regulations limit the number of contests in a sanctioned sport in which a school or a pupil enrolled in a school is authorized to participate, including football games. (NAC 385B.378) Existing regulations also authorize a school that participates in a sanctioned sport to substitute: (1) one tournament for not more than three games, contests or meets for the sanctioned sport; or (2) three games, contests or meets for not more than one tournament for the sanctioned sport. (NAC 385B.384) **Section 1** of this regulation revises the limitations relating to football to provide that a school or a pupil enrolled in a school that participates in football may participate in not more than: (1) nine football games; or (2) seven football games and one tournament for football. **Section 2** of this regulation exempts football from the generally applicable substitution provisions and instead authorizes a school that participates in football to substitute one tournament for not more than two football games. **Section 2** thereby prohibits a school that participates in football from substituting additional football games for a football tournament in a manner that would allow the school to participate in more than nine total football games during a season.

Existing regulations require a non-association official to register with the Association before engaging in any activity as a sports official for a sanctioned sport and prescribe deadlines for such registration. (NAC 385B.852) **Section 3** of this regulation establishes November 1 as the deadline for a non-association official to register with the Association for flag football.

Existing regulations prescribe certain rules of conduct and game limitations relating to baseball and softball, including provisions governing the 10-run rule and the duration of junior varsity games. (NAC 385B.418, 385B.488) **Section 4** of this regulation repeals those provisions.

Section 1. 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]~~ ***:***

(I) Nine football games; ***or***

(II) Seven football games and one tournament for football in accordance with subsection 3 of NAC 385B.384;

(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;

(5) Twelve swim meets;

(6) Fourteen track and field meets; or

(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. 2. NAC 385B.384 is hereby amended to read as follows:

385B.384 1. In addition to any limitation concerning the number of games, contests or meets in which a school or pupil may participate in a sanctioned sport pursuant to NAC 385B.378:

(a) A team that participates in a sanctioned sport may participate in not more than two tournaments during a year.

(b) A pupil who participates in wrestling as a sanctioned sport, including, without limitation, a pupil who is a member of the junior varsity team and the varsity team for wrestling during the same season, may participate in not more than 15 contacts during a year.

(c) A pupil who participates in swimming and diving as a sanctioned sport may participate in not more than 12 competitions during a year.

2. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** school that participates in a sanctioned sport may substitute not more than:

(a) One tournament for not more than three games, contests or meets for the sanctioned sport; or

(b) Three games, contests or meets for not more than one tournament for the sanctioned sport.

3. ***A school that participates in football as a sanctioned sport may substitute one tournament for two football games.***

4. As used in this section:

(a) "Competition" means a dual, triangular or quadrangular invitational meet. The term does not include a league, regional or state tournament.

(b) "Contact" means a dual, double dual or triple dual. The term does not include a league, regional or state tournament.

(c) "Tournament" means any contest between more than two teams that participate in a sanctioned sport to determine the winner for the season for that sanctioned sport.

Sec. 3. 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 ***, flag football*** 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.

Sec. 4. NAC 385B.418 and 385B.488 are hereby repealed.

TEXT OF REPEALED SECTIONS

385B.418 Rules of conduct; 10-run rule; period for junior varsity games.

1. Each baseball game must be conducted in accordance with the rules of baseball adopted by the National Federation of State High School Associations or its successor organization.

2. The 10-run rule set forth in the rules of baseball specified in subsection 1 applies upon the completion of four and one-half innings of each baseball game.

3. A team that participates in a baseball game as a sanctioned sport at the level of junior varsity may not begin a new inning of the game after the expiration of 2 hours and 15 minutes after the first pitch of the game unless the game is tied.

385B.488 Rules of conduct; 10-run rule; period for junior varsity games.

1. Each softball game must be conducted in accordance with the rules of softball adopted by the National Federation of State High School Associations or its successor organization.

2. The 10-run rule set forth in the rules of softball specified in subsection 1 applies upon the completion of four and one-half innings of each softball game.

3. A team that participates in a softball game as a sanctioned sport at the level of junior varsity may not begin a new inning of the game after the expiration of 2 hours after the first pitch of the game unless the game is tied.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R092-26

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 amendment is necessary to provide opportunities for students in the sport of football to participate in tournaments for additional opportunities for recognition. The regulation amendment regarding officials' registration is also necessary to comply with requirements for all sanctioned sports. Lastly, the repealing of baseball and softball mercy rules assists in the elimination of unnecessary regulations. As members of the National Federation of State High School Associations (NHFS), the NIAA adopts the mercy rules governed by the NFHS making such regulations repetitive.

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 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 emailed 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

   On March 6, 2026, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board

of Control at a board meeting held on April 14, 2026, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 4 day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi

Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 April 14, 2026, 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.378 and 385B.384 regarding tournament participation for football. The changes allows for one tournament in football while ensuring the contest limit does not exceed nine total games.
   (b) This regulation also revises NAC 385B.852 to include flag football. This regulation specifies the deadline for officials to register for each sport. Flag football was inadvertently omitted from this regulation when sanctioned in 2016-2017.
   (c) This regulation also repeals NAC 385B.418 and 385B.488 regarding mercy rules in baseball and softball. Mercy rules follow National Federation of State High School Association rules and are not necessary within Nevada Administrative Code.

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 April 9, 2026. 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 March 6, 2026:

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. 092-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

R094-26

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R094-26

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 provisions governing eligibility to participate in sanctioned sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic activities and events. (NRS 385B.060) Existing regulations govern the eligibility of pupils to participate in interscholastic activities and events, and generally provide that, after enrolling in the ninth grade, a pupil is eligible to participate in a sanctioned sport for not more than eight consecutive semesters. (NAC 385B.708) **Section 1** of this regulation provides that certain pupils retained in sixth, seventh or eighth grade who enroll in one or more high school courses during the period of retention shall be deemed to have begun the eight consecutive semesters of eligibility.

Section 1. NAC 385B.708 is hereby amended to read as follows:

385B.708 1. Except as otherwise provided in **[**~~subsection~~**]** ***subsections*** 3 **[**~~,~~**]** ***and 4,*** after a pupil enrolls in the ninth grade, the pupil is eligible to participate in a sanctioned sport for not more than eight consecutive semesters.

2. A pupil is not eligible to participate:

(a) For more than four seasons in any sanctioned sport; or

(b) In the same sanctioned sport more than once during a school year.

3. A pupil who, because of substandard academic performance, enrolls in the ninth grade during the second academic semester of a school year shall be deemed to have been eligible to participate in a sanctioned sport as of the first academic semester of that school year. Such a pupil shall be deemed to be a member of the class which enrolled in the ninth grade during the first academic semester of the school year and the pupil is ineligible to participate in a sanctioned sport after the school year during which the class is scheduled to graduate.

4. A pupil who is retained in sixth, seventh or eighth grade for reasons other than substandard academic performance and who is enrolled in one or more high school courses during the period of retention shall be deemed to have begun the eight consecutive semesters of eligibility pursuant to subsection 1.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R094-26

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 amendment is necessary to address growing concern in the state both by NIAA member schools and community members regarding voluntary retention of students in middle school for athletic purposes. The trend is observed nationally and has increasingly negatively affected the intent of high school athletics. The amendment affects those students who voluntarily choose to be held back in middle school but who are taking high school credits during the year of retention rather than repeating the previous year's curriculum.

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 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 emailed 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

   On March 6, 2026, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board

of Control at a board meeting held on April 14, 2026, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 4 day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____
Cate Sgroi

Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 April 14, 2026, 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.708 regarding the maximum allowable participation for students. The change results in students who are retained in middle school for reasons other than substandard academics and who take high school credit during the retained year to be deemed as beginning their eight consecutive semesters of high school athletic eligibility.

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 April 9, 2026. 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 March 6, 2026:

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. 094-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R101-26

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 provisions governing the cancellation of games, contests or meets by member schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic activities and events. (NRS 385B.060) Existing regulations prohibit a school from cancelling a game, contest or meet unless the school obtains the approval of the Executive Director of the Association. Existing regulations also authorize the Association to suspend the membership of a school that violates this prohibition. (NAC 385B.306) **Section 1** of this regulation requires the Association to impose certain penalties if a school cancels a game, contest or meet less than 24 hours before the scheduled start time of the game, contest or meet. Specifically, **section 1** requires the Association to: (1) fine the school; and (2) require the school to reimburse the opposing school or school district for any costs incurred. **Section 1** also provides that such penalties do not apply if the Executive Director determines that extraordinary circumstances justify the cancellation.

Section 1. NAC 385B.306 is hereby amended to read as follows:

385B.306 1. A school shall not cancel a game, contest or meet unless it obtains the approval of the Executive Director.

2. ***Except as otherwise provided in subsection 3, if a school cancels a game, contest or meet less than 24 hours before the scheduled start time of the game, contest or meet, the Association will:***

(a) Fine the school in accordance with the provisions of NAC 385B.960; and

(b) Require the school to reimburse the opposing school or school district for any costs incurred, as determined by the Executive Director.

3. The provisions of subsection 2 do not apply if the Executive Director determines that extraordinary circumstances justify the cancellation.

4. If a school withdraws its membership in the Association during a season, the school shall indicate on its record "no contest" for each game, contest or meet that is completed by the school after the withdrawal.

~~[3.]~~ ***5.*** The Association may suspend the membership of a school in the Association if the school violates any provision of this section.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R101-26

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 amendment is necessary due to the increasing concern regarding last minute cancellation of contests by member schools and the subsequent cost to opponents.

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 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 emailed 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

   On December 14, 2024, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board of Control at a board meeting held on January 14, 2025, which included the opportunity for public comment concerning the proposed amendment.

   No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.**

    This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 is only expected to increase collection of fees for violations. The total amount cannot be estimated as the intent is for no violations to occur.

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 4 day of June, 2026

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Cate Sgroi
Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)

775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 January 14, 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.306 regarding the cancellation of contests less than 24 hours of the start time. The amendment references penalties outlined in NAC 385B.960 and reimbursement for costs incurred by the opposing team pending review by the Executive Director.

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 January 10, 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 December 12, 2024.

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. 101-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

ADOPTED REGULATION OF THE NEVADA

INTERSCHOLASTIC ACTIVITIES ASSOCIATION

LCB File No. R102-26

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 provisions governing the age at which a pupil becomes ineligible to participate in sanctioned sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic events. (NRS 385B.060) Existing regulations provide that a pupil whose 20th birthday occurs during a season is ineligible to participate in any sanctioned sport during that season or any subsequent season. (NAC 385B.710) This regulation lowers the age at which a pupil becomes ineligible to participate in a sanctioned sport by providing that a pupil whose 19th birthday occurs before August 1 is ineligible to participate in any sanctioned sport during that or any subsequent school year.

Section 1. NAC 385B.710 is hereby amended to read as follows:

385B.710 1. A pupil whose **[**~~20th~~**]** ***19th*** birthday occurs **[**~~during a season~~**]** ***before August 1 immediately preceding a school year*** is ineligible to participate in any sanctioned sport **[**~~during that season and any season that is conducted after that date.~~**]** ***in that or any subsequent school year.***

2. Each school shall maintain a record indicating the age of each pupil who:

(a) Is enrolled in the school; and

(b) Participates in a sanctioned sport.

LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY NRS 233B.066
LCB FILE No. R102-26

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 amendment is necessary to create equity amongst all seasons of sports and for athlete safety. Current regulation excludes a student from participation in a season in which they will turn 20 years old. This created inequities where fall sports are more likely to have students eligible than winter sports which are more likely to have students eligible than spring sports. Additionally, this amendment would align with NRS 392.040 regarding the date used to determine minimum age requirement for students entering kindergarten. The amendment would still allow a student to be retained once during their K-8 education without any effect on their high school athletic eligibility. Reducing the age limit also allows for greater safety where a 14 year old student would no longer be subjected to possibly competing against a 20 year old student.

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 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 emailed 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

On December 14, 2024, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated the proposed amendments. That Notice is attached as Exhibit "1". This regulation was reviewed by the NIAA Board of Control at a board meeting held on January 14, 2025, which included the opportunity for public comment concerning the proposed amendment.

No public comment was received, so there is no summary of public comment. A copy of the summary may be obtained by contacting csgroi@niaa.com.

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 June 2, 2026 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.

This regulation does not include provisions that are more stringent than a federal regulation which regulates the same activity, so there is no summary of such provisions.

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 include a new fee or increase to an existing fee.

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 4 day of June, 2026.

NEVADA INTERSCHOLASTIC

ACTIVITIES ASSOCIATION

By: _____

Cate Sgroi
Nevada Interscholastic Activities Assoc.
1188 Victorian Plaza Circle
Sparks, Nevada 89431
775-453-1012 (telephone)
775-4531016 (facsimile)
csgroi@niaa.com (email)

Assistant Director

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 January 14, 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.710 regarding the age limitation for high school athletic eligibility. The amendment deems a student ineligible for high school athletics if they will turn 19 prior to August 1 immediately proceeding a school year.

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 January 10, 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 December 12, 2024.

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. 102-26

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.**

   There was no analysis conducted as there is no effect on 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 affects; and

   (b) both direct and indirect effects.

   There is no economic effect on small businesses 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.**

   As there is no impact of the proposed regulation on small business, no method to reduce impact is needed.

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

   This regulation will have no cost to the agency for enforcement.

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.**

   This regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, so there is no explanation necessary for such duplicative or more stringent provisions.

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

   This regulation will not affect any small businesses, and therefore no conclusion was necessary regarding the impact.

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 10TH day of June, 2026.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

Regulations Submitted
Pursuant to NRS 233B.0675

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

JUNE 30, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2024 REGULATIONS		
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**

R123-24

REVISED 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 provisions relating to the payment of prevailing wages; 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** of this regulation.

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 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 establishes requirements for a letter of intent which must be submitted by an applicant for financial assistance.

Section 10 establishes certain requirements which an eligible recipient of financial assistance must satisfy before commencing the construction of a project. **Section 11**: (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.

Existing regulations require an eligible recipient to comply with the provisions of the federal Davis-Bacon Act, which establishes requirements relating to the payment of prevailing wages, and provisions of state law relating to the payment of prevailing wages on certain public works. (NAC 445A.794) **Section 56** of this regulation requires an eligible recipient and its contractors to pay mechanics, laborers and workers on all projects the greater of the prevailing wage required under the federal Davis-Bacon Act or state law.

Sections 57 and 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 shall 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 the procurement and award of contracts 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 I Secondary 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 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]~~ ***For all projects, an eligible*** recipient ~~[of financial assistance]~~ ***and its contractors*** shall ~~[comply with]~~ ***pay mechanics, laborers and workers the prevailing wage under*** the ***applicable*** provisions of the Davis-Bacon Act, 40 U.S.C. §§ ~~[276a]~~ ***3141*** et seq., ~~[if~~

~~they apply, and]~~ ***or*** the provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive ~~[.]~~ ***, whichever is greater.***

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. There were no public comments on R123-24P during the January 22, 2026, SEC meeting and the proposed regulations were adopted by the SEC on January 26, 2026.

The proposed regulations were heard by the Nevada Legislative Commission on February 26, 2026. There were two public comments at the Legislative Commission meeting, both concerned about the potential for private entities to avoid paying workers prevailing wage. Those comments can be viewed in the minutes for that meeting, available at this link:
https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/32921

R123-24P was deferred during the February 26, 2026, Legislative Commission meeting to allow the NDEP to modify language regarding prevailing wage requirements.

The NDEP held a second public workshop for revised R123-24P on March 31, 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 with amended language pertaining to prevailing wage requirements. One member of the public and/or regulated industry attended the workshop virtually. During and after the public workshop, the Division did not receive any questions or comments.

A summary of the second workshop is included on the NDEP website as well as the SEC website.

The SEC held a second hybrid regulatory hearing on April 30, 2026, to consider possible action on amended R123-24P. There were no public comments on R123-24P during the April 30, 2026, SEC meeting.

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 both regulatory meetings 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

[1] https://sec.nv.gov/meetings/sec-meeting-january-22-2026; https://sec.nv.gov/meetings/sec-meeting-april-30-2026

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. Note the posting board at the Division of Minerals in Carson City was not available for postings for the second SEC regulatory meeting until Friday, April 17, 2026.

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 both SEC regulatory meetings.

3. The number of persons who attended the SEC Regulatory Hearings:

(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

(d) Attended April 30, 2026, hearing: 45 (approximately)

(e) 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

(f) 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.

Comments were solicited from affected businesses through two public workshops and during both the January 22, and April 30, 2026, SEC hearings as noted in number 2 above. There were no verbal or written comments received regarding the regulatory amendments during either 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 on January 22, 2026, because the SEC was satisfied with the proposed regulation.

The Commissioners unanimously adopted R123-24P with NDEP-proposed changes on April 30, 2026, because the SEC was satisfied with the amended 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 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.

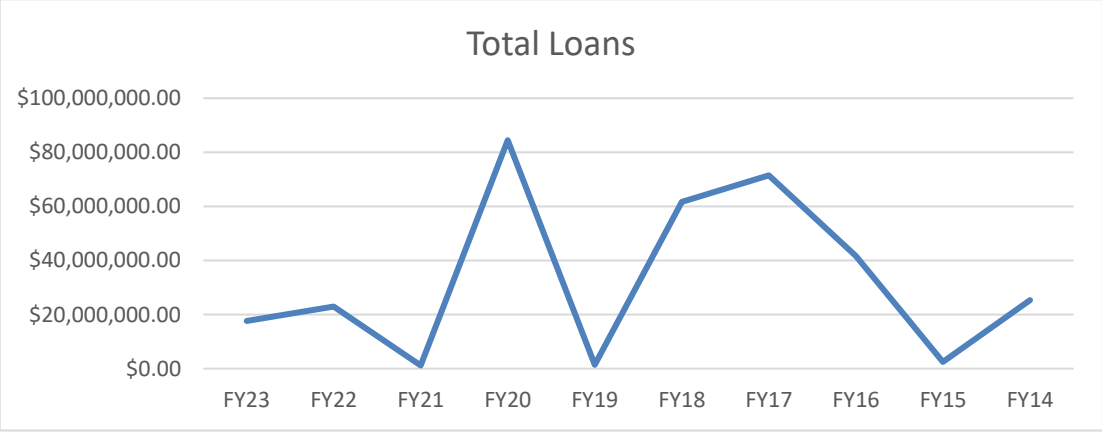
The proposed regulations do not overlap or duplicate other State or Federal Regulations.

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
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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